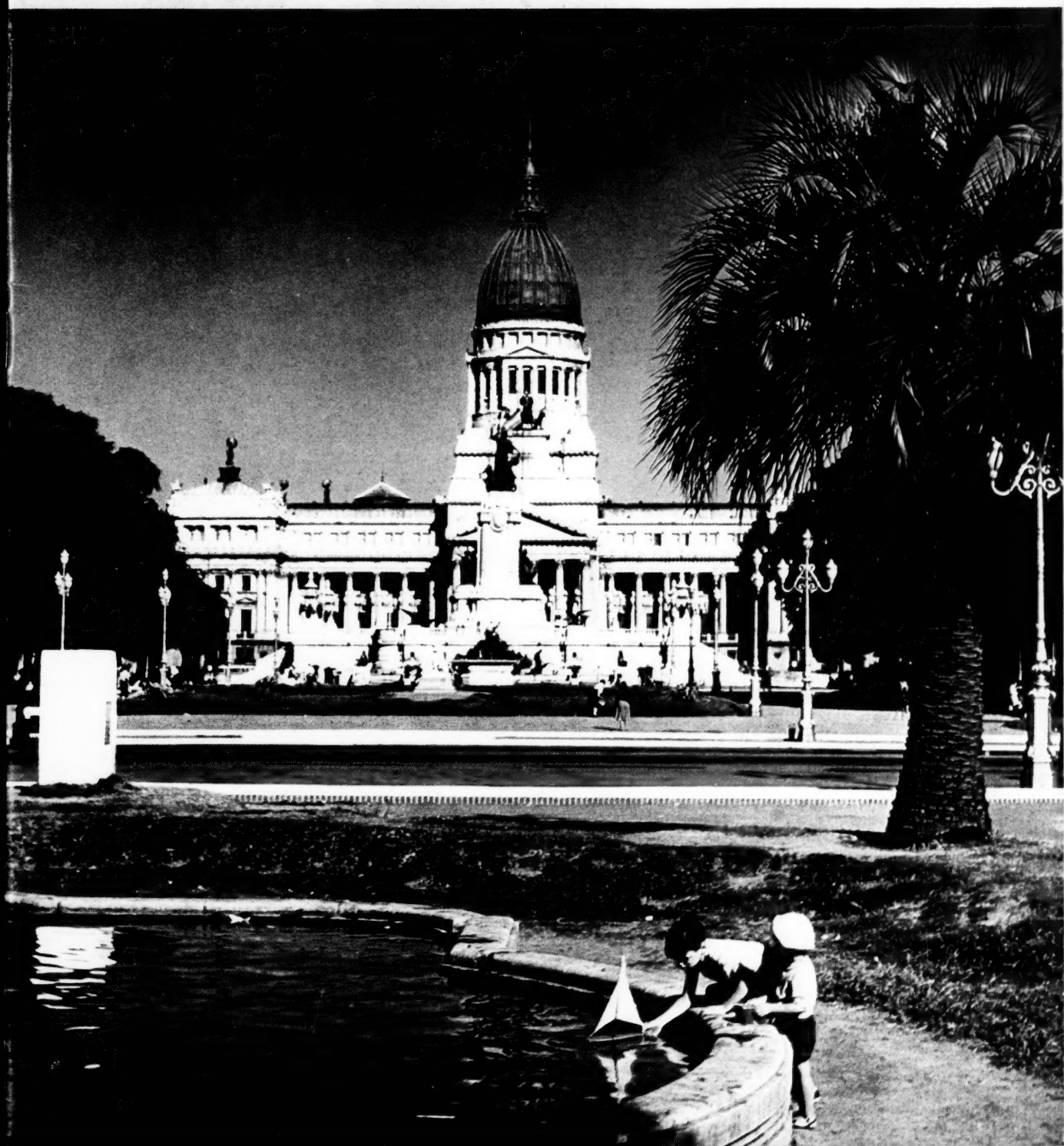


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LIBERTY

WASHINGTON
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A MAGAZINE OF RELIGIOUS FREEDOM



DECLARATION OF PRINCIPLES

*of the International
Religious Liberty Association*

We believe in religious liberty, and hold that this God-given right is exercised at its best when there is separation between church and state.

We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights, and to rule in civil things; and that in this realm it is entitled to the respectful and willing obedience of all.

We believe in the individual's natural and inalienable right of freedom of conscience: to worship or not to worship; to profess, to practice, and to promulgate his religious beliefs, or to change them according to his conscience or opinions, holding that these are the essence of religious liberty; but that in the exercise of this right he should respect the equivalent right of others.

We believe that all legislation and other governmental acts which unite church and state are subversive of human rights, potentially persecuting in character, and opposed to the best interests of church and state; and therefore, that it is not within the province of human government to enact such legislation or perform such acts.

We believe it is our duty to use every lawful and honorable means to prevent the enactment of legislation which tends to unite church and state, and to oppose every movement toward such union, that all may enjoy the inestimable blessings of religious liberty.

We believe that these liberties are embraced in the golden rule, which teaches that a man should do to others as he would have others do to him.

International Religious Liberty Association
6840 Eastern Avenue
Takoma Park, Washington 12, D.C.



FIRST QUARTER
(Jan., Feb., March)
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A MAGAZINE OF RELIGIOUS FREEDOM

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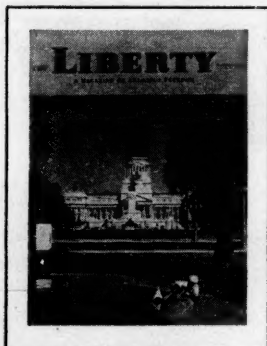
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OUR COVER PICTURE: We are happy to display on our cover a picture of the Capitol Building of the great Argentine Republic, our neighbor to the south. Located in the heart of Buenos Aires, this beautiful building towers in majestic splendor. Buenos Aires (meaning "good airs") is the largest city in South America and one of the greatest in the world. Unlike many other major cities, it has retained a beauty in architecture and city planning that is distinctive. The beautiful plaza was built around the capitol in 1910. Founded in 1536, Buenos Aires experienced the vicissitudes of a growing republic. In 1851 it became a separate state, then re-entered the Argentine Republic in 1880 to become its world-famous national capital.

KODACHROME BY WILLIAM A. HIGGINS

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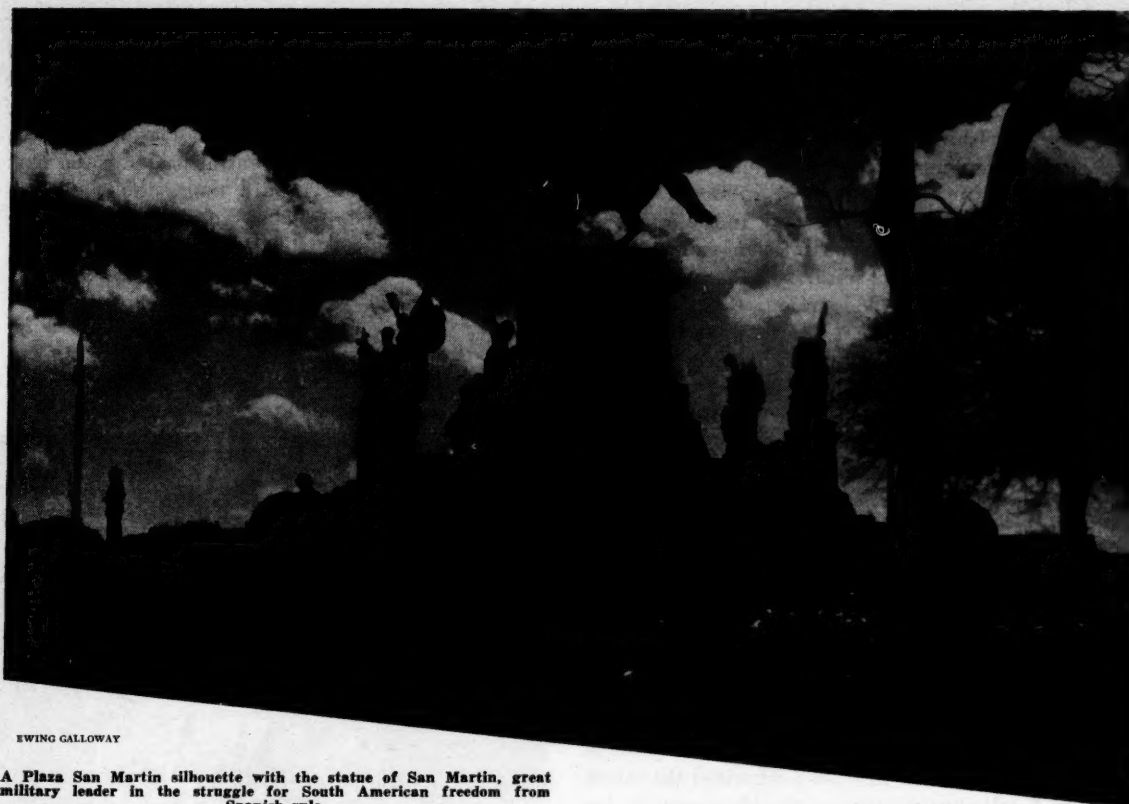
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THE INTERNATIONAL RELIGIOUS LIBERTY ASSOCIATION, organized in 1888, teaches only one doctrine—the doctrine of soul liberty, as indicated in the Declaration of Principles on the preceding page. The Association advocates no political or economic theories. Its officers are Alvin W. Johnson, Ph.D., secretary, and Aubrey H. Rulkoetter, Ph.D., Frank H. Yost, Ph.D., associate secretaries.

FIRST QUARTER



The Argentine Congress, seat of legislative power.



EWING GALLOWAY

A Plaza San Martín silhouette with the statue of San Martín, great military leader in the struggle for South American freedom from Spanish rule.

Argentina and Its Struggles With Church-State Relations

By **EDUARDO LAURENCENA, Ph.D.**

[Dr. Laurencena is president of the National Reserve Bank of Argentina in the capital city of Buenos Aires. His own deep personal regard for liberty is reflected in his account here of his country's recent struggle for freedom, the tasks of which are not yet fully completed.—Ed.]

THE TASK that *LIBERTY: A Magazine of Religious Freedom* accomplishes in defending the rights of the human individual has motivated me to accept with pleasure the invitation that has been extended to comment in this article upon the relations that have existed between the church and the state in Argentina during the past several years. The theme offers opportunity to contribute to a better understanding on the part of the peoples of the Americas, who are bound together by their historic brotherhood and by an affinity of democratic ideals. I shall endeavor to serve that noble end in a brief résumé of the difficult process through which we are living as

Argentines. As this is done, there will emerge the precise and well-defined traits of the totalitarian system which was overthrown in 1955.

The religious problem never existed in our country with such distinct characteristics as during the recent totalitarian regime. Never before had conflicts arisen over this subject which had given way to collective expressions of intolerance, nor had the subject of worship ever given cause to social conflicts of any kind. Because of the principal ethnic groups who founded it, our country has always sustained the purest love of liberty, which in the course of its history has acquired forms that have been translated into tangible realities. This ideal gave birth to the emancipation of 1810 and it conferred secular life to the inspiration that materialized in 1853. Then, with the writing of our Constitutional Charter, the foundations were firmly established for our definite political

organization. This has been consolidated through the years by a succession of reforms, codes, and laws that have been created by a harmonious judicial system, under which the Republic has grown and developed in a flourishing and vigorous social atmosphere.

Whenever matters of religion were debated, either in the constitutional assemblies or in Congress, the same spirit of liberty was uppermost in the minds of the legislators. Even though at times antagonistic currents have transcended the natural realms of debate to reach the heart of public opinion, these occasions have served only to put to a test the high degree of civic culture that has distinguished our people.

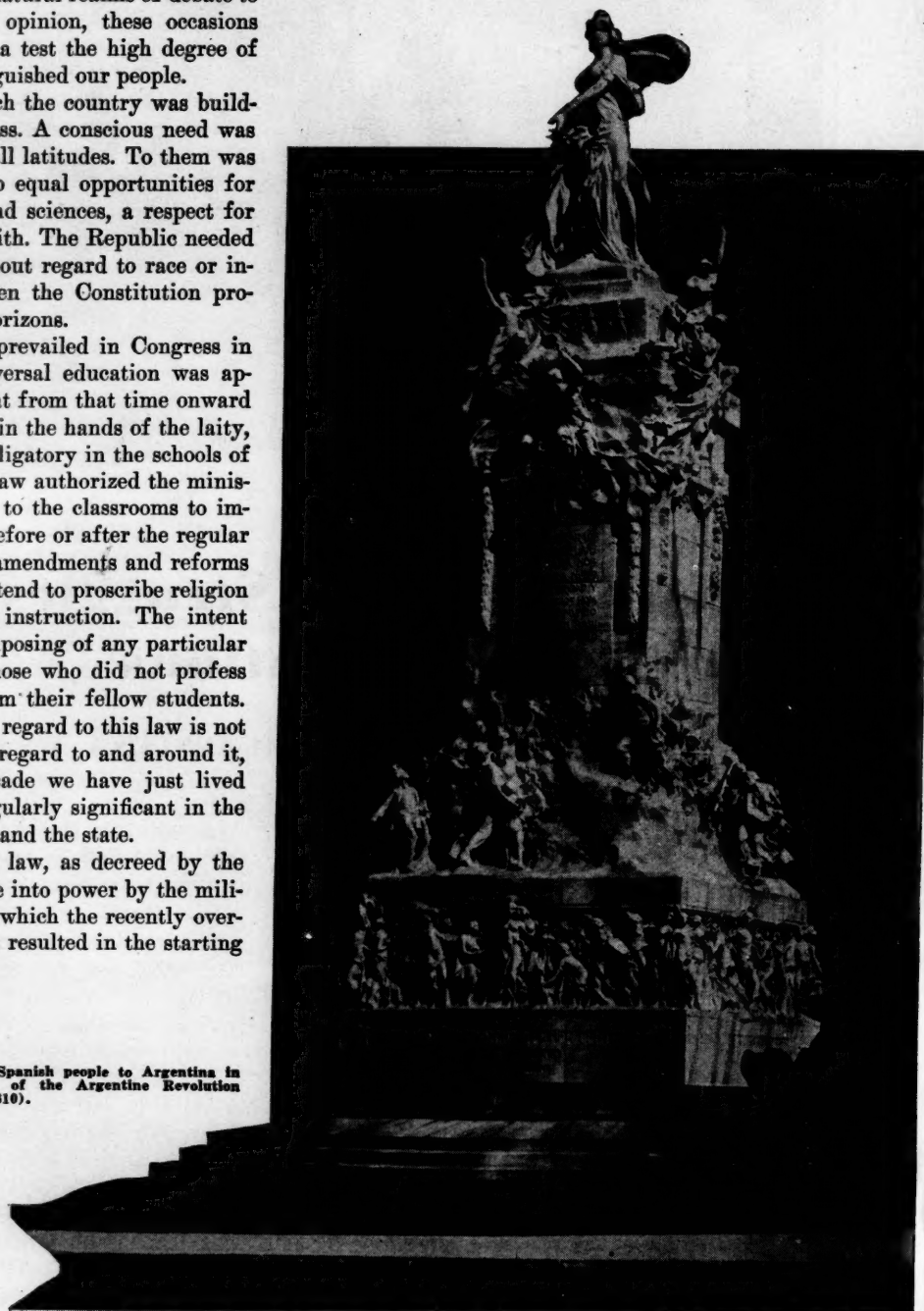
Those were times in which the country was building for a destiny of greatness. A conscious need was felt for the help of men of all latitudes. To them was to be offered, in addition to equal opportunities for the exercise of their arts and sciences, a respect for their ideologies and their faith. The Republic needed only men of good will, without regard to race or individual belief. To such men the Constitution provided ample and fraternal horizons.

This was the spirit that prevailed in Congress in 1884 when the law of universal education was approved. This law assured that from that time onward public instruction was to be in the hands of the laity, that it should be free and obligatory in the schools of the state. The terms of this law authorized the ministers of all religions to come to the classrooms to impart their doctrines, either before or after the regular sessions. The constitutional amendments and reforms which came later did not pretend to proscribe religion as it was related to public instruction. The intent was rather to prohibit the imposing of any particular religion that would oblige those who did not profess it to separate themselves from their fellow students.

The reference we make in regard to this law is not by chance. It is precisely in regard to and around it, at the beginning of the decade we have just lived through, that it becomes singularly significant in the relations between the church and the state.

It was the change of this law, as decreed by the *defacto* government that came into power by the military coup of 1943, and from which the recently overthrown tyranny evolved, that resulted in the starting

point of the period here discussed. This measure, which violated the neutrality of teaching, was to mark the beginning of a campaign intended to bind the clergy to the dominant political movement, which was in a state of gestation. The appearances of a complacent and benevolent attitude on the part of the political power toward the Catholic Church were to be proved false when years later the totalitarian regime, knowing full well that its fall was im-



Monument given as a present by the Spanish people to Argentina in 1910, in the Centennial Anniversary of the Argentine Revolution (May 25, 1810).

FOTO KARTEN

minent, committed the dastardly crime of ordering that the principal Catholic temples and churches throughout the city of Buenos Aires should be burned. In order to consummate this barbaric act, it was first necessary to do away in rapid succession with the guarantees of the individual rights and liberties of the Argentine citizens. Two years previously, the headquarters of the democratic political parties had served as fuel for the flames which had been set by orders handed down from Government House. This act of aggression, which was executed just as impunitively as the latter, signaled a warning that few understood at the time. The foundations of democratic life had been shaken and violated. It should have been seen by the uncontrolled arbitrariness against one section of society that the threat was closing in against society as a whole. However, greater proof was necessary, and greater sufferings were to be experienced.

With a view to analyzing and by way of information, as we focus our attention upon the dawning dictatorial period, we cannot but consider the whole of the political phenomena that constituted it. The whole life of the country was affected by it. The inhabitants of the country were divided into two classifications—those who were for, and those who were against, the regime. As the process developed, it became impossible to establish shades of understanding between the two positions. For that reason it is necessary that we refer to those aspects without adhering strictly to the specific limitations of our subject.

The birth of the tyranny took place because of the positive support it received from the strong-armed government that came into power in 1943. Aside from the resources of the state, which were placed at its disposal without limitation, the desired end was favored by surrounding itself with popular acclaim. Amid apparently democratic proceedings the tyranny went about annihilating democracy. In this way a governmental machine of tremendous reaches was brought into being—a task in which the collaboration of theories and theoreticians of the totalitarians were used without giving thought to the cruel and tragic failures of these principles, which were so definitely sealed on the battlefields of the second world war. Such an organization developed slowly but with methodical sureness. Only when everything was in readiness, and when the leaders of this organization were sure of its success, did they dare to convoke the people to general elections.

Every means, both legal and illegal, was resorted to in order to capture the will of the people. Methods of collective bribery were coordinated with diabolical persecution and physical torture. Everything was tried, from systematic defamation of character to praise, from demagoguery to vilest lie. Everything converged toward the one and exclusive, purposeful goal—the conquest of power.

FIRST QUARTER

Amid this confused state of affairs, it is revealing to note the interest that was manifest in attempting to win the good will and support of Argentine Catholicism by simulated favors. These were to have an effect on the unwary, who, on these grounds as well as others, made the mistake of interpreting the show of strength that was developing only as it related to their own interests or to those of their particular sector. It was for the purpose of capturing the will of the people that the change in the law of public instruction was made. This change would introduce the teaching of religion in the public schools of the state. Thus the support of the ecclesiastical hierarchy was obtained. This support was publicized just prior to the elections in a public document that was circulated widely and commented upon in all of the churches throughout the country, urging Catholics not to vote for the candidates of those parties that advocated the re-establishing of lay teaching in the schools. The Argentine clergy were led to believe that they were thus defending the cause of faith by supporting those who promised to favor their doctrine by imposing its teaching in the public schools.

The representatives of the democratic political parties tried in vain to point out that an artificial attempt was being made to create a religious problem in the bosom of society. It was alleged that the schools that were supported by public funds of the state could not be made subservient to any one confession of faith; that the state should not coerce the freedom education requires in order to be productive; nor should the state favor the setting up of divisions within the classrooms; that religious beliefs pertain to the realm of individual conscience, and that before this barrier of conscience the political power should halt. The electoral machinery, which had already been set up, was quick to take advantage of the divergence of opinion that had been created. It magnified the issues, twisting them to the benefit of cherished ends. Later, when the new Congress was constituted, the legislators of the democratic minority, upon voicing their opposition to the ratification of the decree that established the teaching of religion in the public schools, left words inscribed on the record that were to become pathetically prophetic.

Up until the middle of the year 1954, nothing took place that would lead one to suppose that a rupture of relations would occur between the dictatorial government and the church. Then sudden attacks against the Catholic Church took place. The accusation was made that the ministers of the Church had attempted to infiltrate into the labor unions, which were controlled by the dictatorship, and that this infiltration was for the overt purpose of carrying on subversive activities against the government.

A reaction against the corruption to which the Republic had been subjected began to be manifest among a large section of Catholicism. Thus a coali-

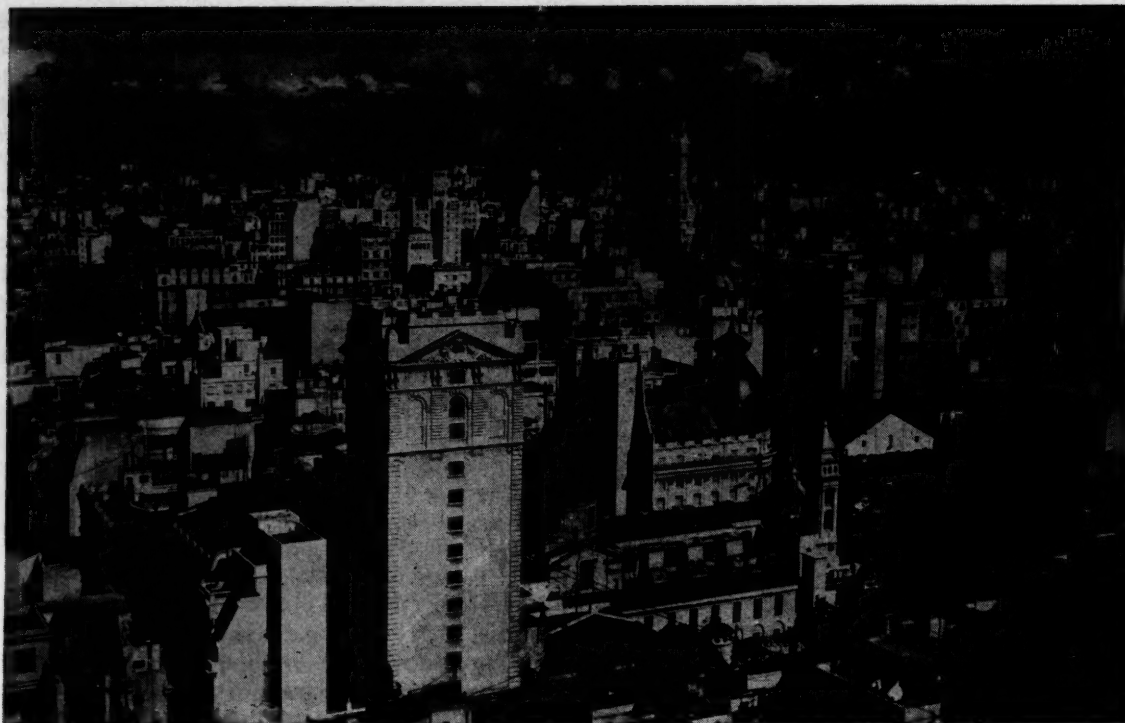


FOTO KASTEN

An unusual view of the beautiful city of Buenos Aires, Argentina.

tion was brought about between this sector with that of the democratic elements within the country, which, although Catholic, as far as the integration of the majority of its members was concerned, had at no time failed to point out the abuses that had been committed by the governing power. The consequences for those who joined the forces of resistance were not long in being felt. Without recourse to legal congressional action, the tyranny decreed the immediate suspension of religious teaching in the schools of the state. In swift succession the government ordered its legislators to enact such laws by decree as the one pertaining to absolute divorce. This law was pushed through Congress without so much as permitting debate. These laws were not enacted to satisfy a desire for constitutional reform on these matters. They were simply used as weapons with which to combat Catholicism, which had now come into disfavor with the regime. Those lawmakers who did not obediently vote in the affirmative were expelled from the official party and were relieved of their representative capacity. The priests were spied upon, assaulted, censured, and jailed. Subsidies given by the state to religious institutions and schools were withdrawn. Two of the high-ranking prelates were exiled from the country. A systematic campaign was launched in the public press and over the radio networks—all of which were under the control of the dictatorship—to create a hostile attitude toward the clergy. This atmosphere of

conflict was just as artificial as was the attempt to cultivate the favor of the Catholic hierarchy at the beginning of the decade. There was no sociological basis that called forth the manifestations that followed in the wake of these events. It is true that then, as in the beginning, the same political interest on the part of the tyranny was served, inasmuch as the disturbances tended to steer public opinion away from the serious problems that had been brought up in the country as a result of arbitrary rule.

The revolution of June 16, 1955, which was to end three months later with a total victory for the armed forces of the citizenry as an expression of their democratic will, was to mark the end of long years of submission. On the eve of the first revolutionary uprising, gangs were ordered and directed by the shaky government to set fire to the principal temples and cathedrals of Buenos Aires. They thus destroyed historical relics, documents, and records that can never be replaced. Several days before these events, the tyranny had faked the finding of an Argentine flag that had allegedly been burned in front of the National Congressional Palace. Catholic demonstrators were accused of this outrage to the national emblem. The truth of the case was that the tyrannical forces had not even hesitated to burn the majestic symbol of the country's glory as long as such destruction served their unspeakable designs.

Thus ended ten years of darkness during which

nothing or no one could withdraw from the effects of a system that was contrary to the best interests and traditions of the Republic.

Today, the country has dedicated itself to the task of reconstructing its democratic institutions, a task that will require arduous effort. The essential phases of our national existence tend to return to their normal state. The revolutionary government has put forth every effort to establish swiftly the necessary conditions for a return to normalcy in our institutions, thus attempting to ensure the full and definite existence of justice, law, and liberty.

To demonstrate the sincerity of its purpose, it has enlisted the cooperation of all sectors of the citizenry.

Great caution has been shown in dealing with the circumstances that were created by the tyranny as they relate to the relations between the church and the state. The new government proceeded immediately to abolish those laws and decrees that were imposed to serve the forces of persecution. Subsidies to schools and religious institutions were again reinstated. Law No. 1420, which had guaranteed lay teaching in the schools, was again placed in force.

These actions placed the relations between the church and the state back on the same plane on

which they had been before the advent of the totalitarian system. Undoubtedly, traditionally divergent positions still exist in this area. But in the serene and equanimous conduct of the government lies the guarantee that these questions will not be the cause of undesirable disturbances during this transitional period. If the debate is to be reopened—if the present status is not the one that rightly interprets the social reality in Argentina—the opportunity will come to present new views once the life of the Republic has been placed back properly on the constitutional road.

Only by the absolute consolidation of the liberty that has been rewon at so great a price can the proper solutions be found which the country requires and needs. In the democracy we wish to support, political ideas and religious beliefs, insofar as they have respect for each other, and as long as they operate within the framework of our constitution, should constitute adhesive and invigorating forces that will help to forge a progressive community. This recent experience constitutes for us, and for all who believe in democracy, a new proof that only as the rights of the individual are safeguarded can the nation find the road to constant spiritual and material improvement.

Religious Liberty in the Argentine Constitution

By **FERNANDO CHAIJ, Ph.D.**

[*Dr. Chaij, correspondent in Argentina for LIBERTY: A Magazine of Religious Freedom, is editor of the magazine La Vida Feliz ("Happy Life"), a religious periodical that circulates through the Spanish-speaking countries of South America. The Constitutional Convention referred to in this article is now in session, and is wrestling with the political and legal problems inherent in such a convention.—ED.*]

THE ARGENTINE CONSTITUTION adopted in 1853, at this writing [April, 1957] the basic law of the Republic, largely patterned after the Constitution of the United States, is the outgrowth of a long historical process of increasing liberal tendencies in Argentina.

Shortly after the development of the South American Emancipation Movement, which began in 1810 and had its center of influence in Buenos Aires, new ideas of religious liberty began to find an echo in the thinking of the revolutionary element. This revolutionary current found a favorable climate on the

shores of Argentina. Departing from the exclusive and narrow tradition of Spain during the time of Charles V and Philip II, the Republic made in the year 1825 a treaty of friendship and commerce with England which recognized the independence of Argentina. One of the clauses of that treaty which is of great importance in the constitutional development of the country establishes freedom of worship for British subjects residing in Argentina.

A Liberal Tradition Bears Fruit

Thus came the dawn of liberty in Latin America in the most sacred sphere of human rights. But the sunshine of liberty whose first rays of light were visible almost at the very beginning of the Argentine nation grew stronger and more brilliant in the heavens of the Southern Hemisphere until it finally reached the zenith in the Congress of 1853. That year a just and democratic constitution was adopted

that not only reflects the most wholesome current of national thought but also recognizes as one of its principal sources of origin the fundamental law of the United States of America. In spite of this background, however, it is evident that after being in vogue for a whole century, the Argentine Constitution is now undergoing the risk of revision.

The placing of the religious problem at the very heart of the Constitutional Assembly of 1853 provoked, as might be expected, lively discussion. A few thorny plants of bigotry and intolerance still survived and threatened to choke out the tree of religious liberty and of the secular state. Fortunately, the vigor and solidarity with which leading national figures and even high prelates of the Catholic Church led the majority in the Congress to give expression to liberal thought easily overruled the opposition and assured the triumph of liberty.

The Secular State

One of the articles that caused the most discussion was the second article in the Constitution. Its original form was as follows: "The Federal government supports and adopts the Roman Catholic Religion." This would have been equivalent to the establishment of a state religion. Ultimately this article was amended by compromise so as to exclude the verb "adopts," and was finally approved in the form, "The Federal government *supports* the Roman Catholic Church."

This reading was arrived at in harmony with the best and most wholesome Argentine tradition. Some of Argentina's most outstanding thinkers, such as Esteban Echeverria and Domingo Faustino Sarmiento had pointed out the paradox of having the state attempt to adopt a religion while not being an individual entity with its own conscience and responsibility before God. Argentina is therefore a secular state, since it has not adopted any official religion and only grants financial assistance to Catholic worship, which is the religion of the majority of the people. On this point, although, lamentably, the Argentine Constitution departed from the United States model, which requires the separation of church and state, it maintained at least an intermediate position by not making provision for an officially adopted religion. In this sense the Argentine state is secular, and this has provided until the present day one of the constitutional bases of religious liberty in this country.

Constitutional Provisions for Religious Liberty

Various other articles of the Constitution concur in a direct or indirect way to guarantee the right of every inhabitant of the country to worship God according to the dictates of his reason and conscience.

Article 14 establishes freedom of worship: "All the inhabitants of the nation enjoy the following rights according to the laws which govern their exercise, namely: . . . to practice freely their religion."

It is not explicitly stated in this article that freedom of worship transcends the limits of the temple of worship and includes also the free diffusion of religion among men by all lawful means, but the right to propagate religious ideas grows out of the very nature of the stated freedom. The preaching of Christianity is an integral part of religion, as is indicated by the insistent command of its Founder, who said, "Go ye into all the world, and preach the gospel to every creature." Therefore, any restriction whatever in this sense would be equivalent to an invalidation of the very essence of Christian worship and consequently to religious liberty.

Moreover, the right guaranteed by Article 14 is supported by a series of constitutional precepts that do not permit alteration of the same. We shall refer to some of them.

Indirect Clauses Guaranteeing Religious Liberty

1. Article 16 states: "The Argentine nation does not admit prerogatives of blood or of birth: nor does it admit personal privileges and exemptions, nor titles of nobility. All its inhabitants are equal before the law and eligible for employment without any other condition except suitability. Equality is the basis for taxation and for levying duty."

With the abolishment of personal exemptions, the Catholic priests are subject, as are the clergy of any other religion, to ordinary magistrates in cases of crime or violation of the laws.

On the other hand, equality before the law is established for all the inhabitants. Belonging to a religion that the state sustains does not give to any inhabitant special privileges or grants.

It is also declared that all the inhabitants are admitted equally to employment without any other condition but their capacity to discharge the duties related thereto. This permits the citizens of any religion whatever to have access to the highest public functions and positions. Unfortunately, however, Article 76 establishes an exception with respect to the president and vice-president of the Republic, of whom it is required that they belong to the Catholic Church. This is an aspect in which the present Constitution could be improved, in order that equality may be absolute and not be limited to religious beliefs.

2. Article 19 says that "the private acts of individuals that in no way offend public order and morality, nor damage others, are reserved only to God and are exempt from the authority of the magistrates."

This clause recognizes the existence of a sacred precinct in human conduct, namely one's private actions. It is evident that among all private acts, the most inviolate are those that are concerned with the relation of the soul to God and to the way one should worship the Supreme Being.

These acts "are reserved only to God and are exempt from the authority of the magistrates." The



FOTO PAPAZIAN

The "Granderos a Caballo," the military guard of the President of the Republic of Argentina.

state, therefore, by definite constitutional precept, cannot violate the limits of conscience or commit the least abuse of it. Consequently, religious liberty is not a grace that the government gives to the inhabitants, but an inherent right of man which the law only recognizes and guarantees.

3. Article 28 is another that supports and strengthens religious liberty by affirming: "The principles guaranteed and rights recognized in the previous articles cannot be altered by laws which govern their exercise."

Here is a guarantee to all Argentines that by explicit decrees of the Constitution, Congress cannot dictate laws, nor can the president issue commands or decrees, that restrict the constitutional rights to the point of changing them, lessening their value, or denying their validity.

If any such law or decree is made, legal steps may justifiably be taken to secure its abrogation on the basis of its unconstitutionality.

4. Finally, even though it has an indirect application, Article 33 concurs in guaranteeing the enjoyment of human rights, decreeing that "the declarations, rights and guarantees enumerated in the constitution are not to be understood as a denial of other rights and guarantees that are not enumerated, but that grow out of the principle of the sovereignty of the people and of the republican form of government."

A Revision of the Constitution

The present provisional government of Argentina called a general election during the month of July, 1957, for the purpose of appointing delegates to a national convention to study the revision of the Constitution. In anticipation of this summons, the country passed through moments of unusual significance. It faced the possibility of giving to the fundamental law of the land, which is in general just and fair to all, a more modern structure in certain of its aspects. This would be in accord with social and legal changes that have taken place during the last century, and would take advantage of the experience obtained in various parts of the world since 1853.

Obviously one of the fundamental questions that the Convention on Revision will have to examine has to do with the religious problem, particularly with respect to the separation of church and state. This question has for several months been attracting the interest and attention of the Argentine people. It has provoked serious study by the great constitutional authorities, outstanding figures in the forum of public opinion, and of the church, and men conspicuous for religious and civil character.

Some political parties, as well as various elements in the church, are trying to interest competent government authorities and the elected members of the

convention in change of the Constitution by the elimination of all the articles having to do with questions in regard to religious worship except Article 14, which guarantees liberty of conscience. Others advocate the substitution for all these, one article that declares definitely and clearly the separation of church and state, and prohibits Congress from legislating on matters of conscience. The new article would declare instead that all religions that do not offend public order and morals may enjoy absolute equality before the law and may have complete liberty, not only in the exercise of worship but also in the diffusion of their doctrines.

If such a thing should occur, the Argentine Constitution, which until now has been a worthy exponent of democracy, republicanism, and liberty, will reach the highest rung of the ladder in this process of constitutional development. It will be among the highest and best expressions of the sacred right of religious liberty, which is the foundation of all other freedoms.

This objective will be achieved through separating the two spheres, church and state—too often in opposition—and placing them in an atmosphere of reciprocal cooperation without compromising either.

Religious Liberty in Latin America?

By SANTE UBERTO BARBIERI

[Bishop Barbieri has a broad, devoted experience in religious service and leadership. As bishop of the Methodist Latin American Central Conference he serves Argentina, Uruguay, and Bolivia. He is an evangelist, pastor, teacher, theologian, author, church historian, school and church administrator, and in 1954 was elected as one of the presidents of the World Council of Churches. Early in his career he became an ardent exponent and champion of religious freedom. In this article he reveals his thorough understanding of those freedoms now extant in Latin America.—Ed.]

IT IS IMPOSSIBLE TO RECOGNIZE a full democratic spirit in a society where there is not complete religious liberty. When we limit, oppose, or persecute the exercise of religious expression—a sacred and intimate sentiment of man—we violate one of the fundamental principles of human rights. Of course,

when we speak of the necessity of religious liberty we at the same time speak of such religious expressions that do not violate other human rights within the total web of human society. Religion should work always, even when prophetic and prompted by a spirit of inner and outer renovation, for harmony, unity, elevation.

Taking for granted this function of any religion, it is evident that it needs liberty of action in order to exercise its influence, and to give to everyone in society the right to be *himself*, without coercion, limitations, or fear.

Do we enjoy full religious liberty in Latin America, as it should be in a totally democratic medium? It is impossible to answer by saying simply Yes or No. It depends on from what part of Latin America one is writing. Speaking in general, we could say that we find some countries in Latin America where religious liberty is almost absolute, and others where there is opposition, or limitations, or persecution. Everywhere one feels the dominant presence of the Roman Catholic Church, a church which has never accepted the presence of other religious bodies with any sign of good will or sisterly tolerance. But the behavior of the Roman Catholic Church to other religious bodies, through her ecclesiastical system and dogmatic structure, varies with the kind of pressure or influence that she is able to exert on the government in power. In general, the constitutions of the Latin America countries leave room for other religious Christian bodies to function, even in those





EWING GALLOWAY

A large fiesta crowd in front of the church in a village on the shores of Lake Titicaca, Bolivia.

where the Roman Catholic Church is recognized as being the religion of the country, or as having special privileges. But this liberty conceded by the constitutions has always been challenged by the Roman Catholic Church, which has sought to maintain her exclusive position of privilege.

To minds accustomed to living in a medium where all religions are treated equally and where the Roman Catholic Church is a minority, this may sound strange or unbelievable. From within the framework of the Roman Catholic Church itself, her position is perfectly logical. She maintains as a basic principle that *Ubi Roma, ibi Ecclesia*, that is, "Where Rome is, there the Church is." What is the implication? It is simply this: Where the authority of the Roman Catholic Church does not exist, there is no church—the Christian Church! On the other hand, Protestants—even if not all of them—say: "Where Christ is, there is the Church." This simple comparison shows clearly where the Roman Catholic Church stands. With that tenet underlying her faith and action, she cannot but be intolerant and exclusive. She is the Church of Christ, all the rest are in error, outside the range of salvation. To admit the presence of other groups

would be to permit the dissemination of error and the wider extension of the kingdom of the evil one. That is the reason why she advocates religious liberty in places where she is one among many, as in the United States of America, and does not admit of it where she is the dominant ecclesiastic power as, for instance, in Colombia. Where she is in a majority she claims the right to see that *error* will not penetrate her dominions; where she is the minority, she seeks the right to liberty because, among many which are in error, she is the only bearer of the Christian truth. This was at least the position taken recently by Cardinal A. Ottaviani in a speech delivered in March, 1953, in the Aula Magna of the Pontificio Ateneo Lateranense, in Rome. In fact, he says, among other things:

At this point it is necessary to find a solution for another problem, or rather a difficulty, so intriguing, that, at its face value, it would seem to be without solution.

The objection which is raised by our opponents is this: You maintain two criteria or different attitudes, in accordance with your advantages: In Catholic countries you maintain the viewpoint of the confessional state, with the duty of exclusive protection of the Catholic religion; on the contrary, where you are a minority, you require the

right to toleration or directly to the equality of cults; two standards of measure; a truly embarrassing duplicity, of which, Catholics who are aware of the present development of civilization, would like to get rid.

But indeed two standards of measure are necessary: one for truth and the other for error.

Those who feel that they are in possession of truth and justice, do not accept a compromise. They require full recognition of their rights. Those, on the other hand, who are not sure of possessing the truth, how can they claim to hold, they alone, the ground, without sharing it with those who seek recognition of their rights based on other principles?

The concept of the equality of cults and of toleration is a product of free inquiry and of the multiplicity of religious confessions. It is a logical conclusion of the opinions of those who maintain, in matters of religion, that there is no room for dogmas, and that only the conscience of each person can produce the criterium and the standard for the profession of faith and the exercise of religious service. And then, in those countries where these theories are held what wonder is it that the Catholic Church should try to get a place so as to discharge her divine mission, and should try to get the recognition of those rights which, by the logical consequence of the adopted principles of those countries, she can claim?

She would like to speak and to claim in the name of God: But in those countries the exclusiveness of her mission is not recognized. Therefore she limits herself to the claim allotted her by that tolerance, equality and common guarantees on which the laws of those countries rest.¹

If this is still the position held by the higher authorities of the Roman Church, we can imagine how powerful she was when the evangelization of Latin America started at the end of the fifteenth century and the beginning of the sixteenth century. As Spain and Portugal opposed violently any effort toward a Reformation, so they prevented the entrance of any of its influence in the territories under their imperial sway. Thus, for three centuries the Roman Catholicism of the pre-Reformation era was imposed on Latin America, to the extent that the Roman Catholic Church came to the conviction that this part of the world was her absolute possession and dominion.

The non-Roman confessions have never had a too easy time in their task of evangelizing the many mil-

lions who drifted away from Rome or who came into these countries after the political independence in the beginning of the nineteenth century. And so, up to this time, the Roman Catholic Church contends the field as exclusive to herself with all her passion and intolerance. She holds everywhere, even in countries where there is separation of church and state or recognition of other religious confessions, a place of dominion and privilege.

Let us take as an example the Argentine itself. The Constitution, which was adopted in 1853 and is still in vogue though in the process of being reformed at certain points, states in Article 2: "The Federal Government supports the Catholic Apostolic Roman religious service." This is a middle ground between recognition of the Roman Catholic Church as a state church and a complete separation between state and church. It was a compromise between two opposite positions. In Article 14, among the privileges of every inhabitant is listed that of "professing freely his religious beliefs." Article 76 requires that "in order to be elected President or Vice-President of the nation it is necessary to have been born in Argentinian territory, or to be a child of a native of Argentina, though born in a foreign country, to belong to the Catholic Apostolic Roman Community, as well as the other qualifications required to be elected senator."² Moreover, in Article 67, where the duties and privileges of the senate are listed, under No. 15, it is stated that it "will preserve the peaceful treatment of Indians and will promote their conversion to Catholicism."³ We do not have space to go into other details, but these items are sufficient to show the partiality of the law toward Catholicism. All the inhabitants of the country are obliged to support it through taxation, but non-Catholic citizens are not qualified to be elected to the two most responsible posts in government, and non-Roman churches are excluded from the evangelization

¹ *Doveri Dello Stato Verso la Religione* ("Duties of the Catholic State Toward Religion"). Libreria del Pont. Anteneo Lateranense, Roma, Italia, 1953, pp. 18-20.

² Emphasis by the author.

³ Emphasis by the author.

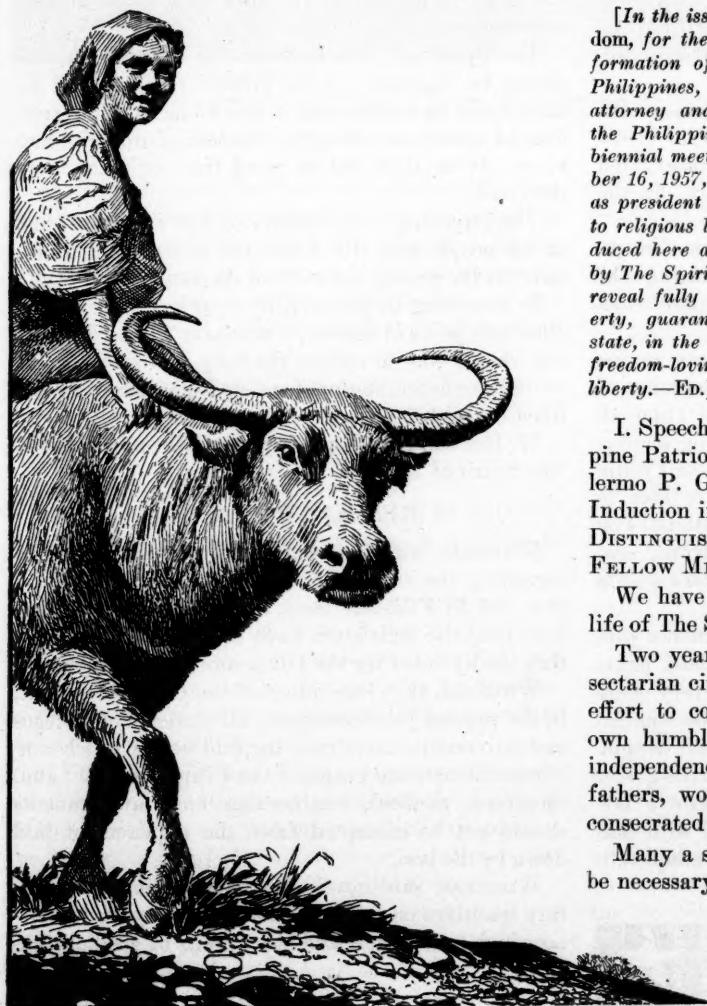


of the Indian population. And, since the Roman Catholic Church is supported by the Federal government, the usual interpretation of this fact is that *it is* the state religion.

The Constitution is—as I said—being reformed, but it is hardly possible that the articles referred to will be even touched. The Roman Catholic Church is still unwilling to lose her position of privilege and to become a free church in a free state. That would give to the other religious confessions equal standing, in addition to which she would lose other privileges. We shall have to wait for another occasion; we do not know how long. However, there are in the country liberal Catholic citizens who would welcome a

complete separation because they are convinced that a free church is more liable to exert the role of prophecy and of a moral arbiter. Constitutions are not reformed frequently or easily. But it will take even a longer time for the Roman Catholic Church to recognize the right of other churches to an equal treatment and to relinquish her exclusive authority. Meanwhile we must hold fast to our convictions, and continue to voice our protest with charity and toleration against the granting of special privileges and the assumption of undue authority, till the day when the *Ubi Roma, ibi Ecclesia* will be done away with, and all those who “call on the name of Christ” shall be recognized as sheep of the one eternal fold of God.

Erosion of Philippine Freedom



[In the issue of *LIBERTY: A Magazine of Religious Freedom*, for the First Quarter, 1956, report was made of the formation of a patriotic society in the Republic of the Philippines, called *The Spirit of 1896*. Mr. Guevara, an attorney and judge of highest professional standing in the Philippines, was made first president. At the second biennial meeting of this society, held in Manila on September 16, 1957, Mr. Guevara set forth, in his inaugural speech as president of *The Spirit of 1896*, his view of the dangers to religious liberty he sees threatening his country. Reproduced here also by permission are the resolutions adopted by *The Spirit of 1896* at its second biennial meeting. These reveal fully the threats now exerted against religious liberty, guaranteed through the separation of church and state, in the Philippines. We wish this dedicated society of freedom-loving men fullest achievement in its defense of liberty.—Ed.]

I. Speech Delivered by the President of the Philippine Patriotic Society, *The Spirit of 1896*, by Guillermo P. Guevara, on the Occasion of His Second Induction into Office at Manila, September 16, 1957.

DISTINGUISHED GUESTS,

FELLOW MEMBERS, FRIENDS:

We have marked tonight another milestone in the life of *The Spirit of 1896*.

Two years ago a handful of nonpolitical and non-sectarian citizens organized *The Spirit of 1896* in an effort to conserve, strengthen, and protect in their own humble way our democracy, nationalism, and independence, which were proclaimed by our forefathers, won by the Revolution of 1896, and now consecrated in the Constitution of the Republic.

Many a skeptic has been wondering why it should be necessary for *The Spirit of 1896* to assume for it-

self the role of defender or guardian of our democracy, independence, and nationalism, when, since July 4, 1946, we have been granted complete independence by the United States and have adopted for ourselves a democratic or representative form of government.

Independence, however, is something more than living without direct interference from a foreign power; neither is there a democracy just because we elect our own President and other officers who run our governmental affairs.

Democracy does not consist of the prevalence of the rule of the majority alone. It is a political process for working toward liberty, equality, and fraternity. It implies also the assurance of the enjoyment of human and civil rights, equal opportunity for everybody, and, above all, freedom of thought and religion.

To safeguard these rights, our Constitution, after providing for a democratic form of government and a complete bill of rights, expressly provides in Section 7, Article III, that "no law shall be made respecting any establishment of religion," and besides that "no religious test shall be required for the exercise of any civil or political right."

These are the essence of true democracy, of the democracy for which our revolutionists of 1896 fought and died, the democracy that was consecrated by the Constitution of Malolos, and lastly, by the Constitution of this Republic.

Ironical as it may sound, I can tell you that we enjoyed the true essence of democracy during the American tutelage (from 1902 to 1946) more than we do under the independent Republic.

Equality before the law, strict adherence to the merit system in the public service and observance of due process of law, freedom of the state from all religious interference, were the outstanding characteristics of the American administration in the Philippines. Under the American aegis we were able to maintain a truly nonsectarian public educational system, establish a restricted and rational divorce law. No religious test was ever demanded for the exercise of any civil or political rights.

But no sooner was our complete independence proclaimed by the United States than all these gains and conquests in the field of true democracy were lost to the forces of reaction, which have become increasingly and dangerously active for the last decade.

Such sinister force succeeded in terrorizing and bulldozing our Congress to delete our divorce law from the Civil Code of 1950. Not satisfied with that victory, they prodded the administration to adopt reli-

gion as a regular subject in the public school curriculum, thus making all public schools virtually an extension of parochial schools.

But if all the above considerations are not sufficient to convince you that the spirits of Fray Damaso and Salvi are back among us, it is enough to call your attention to the fact that since the Magsaysay administration assumed power in 1954, only men meeting certain religious standards, and carefully oriented in the doctrines and objectives of the Catholic Church, have been considered for the all-important position of secretary of education, with the evident intention of desecularizing the entire public school system.

The University of the Philippines has not been spared from the lethal influence of the reactionary forces. The university of today no longer comes up to its former prestige as the nation's cultural center. Under the veto of the Church, it has become impossible to place, let alone pick, a free Filipino with the culture and courage to regenerate the State University and make it once more a focus of light and leadership for a nation that is sunk in a social, moral, and economic morass.

The Spirit of 1896 believes that there is no substitute for vigilance in the preservation of what we most value as consecrated in our Constitution—freedom of speech and thought, freedom of worship, and so on. At no time did we need that vigilance more than now.

The foregoing is the answer of The Spirit of 1896 to the people who still doubt the necessity of a crusade for the preservation of our democracy.

In accepting in all humility your mandate for another two years of service, I solemnly vow to dedicate my whole being to uphold the form and substance of an independence, nationalism, and democracy as outlined in this brief speech.

II. Resolutions Adopted by the Philippine Society, The Spirit of 1896.

RESOLUTION NO. 1

WHEREAS, with the compromise proviso in the law regarding the reading of Dr. Rizal's *Noli Me Tangere* and *El Filibusterismo*, the objections of the Roman Catholic legislators have been removed, so that they gladly voted for the bill as amended by them;

WHEREAS, the clear intent of the Congress is that, in the proviso just mentioned, all students of colleges and universities must read the said novels which constitute the national gospel of the Filipino people; and, therefore, medical, engineering and law students should not be exempted from the requirement laid down by the law;

WHEREAS, said novels impart inspiring and salutary teachings on freedom, love of country, civic courage, high-mindedness and other traits of good citizenship;

Now, therefore, be it resolved by the Association,





COURTESY OF THE EMBASSY OF THE PHILIPPINES

The University of the Philippines has not been spared from the lethal influence of the reactionary forces. The University of today no longer comes up to its former prestige as the nation's cultural center.

"The Spirit of 1896," in Convention assembled, That the National Council of Education be and is hereby respectfully asked that in the administration of the law on this subject, said council foster and encourage the reading of said novels without limitations and exceptions that will defeat the evident purpose of the lawmakers.

Be it resolved further, That a copy of this resolution be duly presented to the National Council of Education.

RESOLUTION NO. 2

Be it resolved by the Association, "The Spirit of 1896," in Convention assembled, That it is the sense of this society:

1. That the subservience shown by many of our prominent citizens to the laws of the Vatican as a State is inimical to the independence of the Republic of the Philippines, and is dangerous to the freedom of religion which the Revolution of 1896 achieved at the cost of so many lives.

2. That many leaders of our country should study the history of our struggles for freedom from ecclesiastical domination so they may not tolerate or abet the aggressive plans of the Catholic elements to interfere with and control the affairs of the State.

3. That as loyal citizens of the Republic of the Philippines, we oppose and reject the Roman Catholic doctrine that in case of conflict between the laws of the State and those of the Roman Catholic

Church, the latter must prevail and should be obeyed by Roman Catholics, instead of the laws of the State.

4. That the members of "The Spirit of 1896" should not vote for those candidates who, as strict Catholics, owe double allegiance to the Vatican as a State and to the Republic of the Philippines.

RESOLUTION NO. 3

Be it resolved by the Association, "The Spirit of 1896," in Convention assembled, That the conduct of certain candidates for public office in trying to win votes because of their church affiliation is censurable because:

(1) It undermines the principle of separation of Church and State.

(2) It tends to divide the Filipino people on religious grounds.

(3) It prevents the full consideration by the electorate of important and constructive issues on economic, social and political problems.

RESOLUTION NO. 4

Be it resolved by the Association, "The Spirit of 1896," in Convention assembled, That the tendency of the government to prefer certain persons for appointment to important public offices, such as that of the Secretary of Education, because of their strict adherence to the doctrines of any church should be and is hereby condemned because:

1. It is unconstitutional as it violates Article III,

Sec. 1 (7) of the Constitution of the Philippines which prohibits every religious test for the exercise of civil or political rights.

2. It tends to favor the church to which the appointee belongs in the enforcement and administration of the laws.

3. It foments the division of the Filipino people along religious lines, which, according to the history of mankind, is destructive of the highest interests of the nation.

RESOLUTION NO. 5

Be it resolved by the Association, "The Spirit of 1896," in Convention assembled, That this society views with grave concern the growing influence of a certain church because of the practices recently introduced in the public schools by order of the Department of Education concerning religious instruction in said public schools. The public school is the bulwark of democracy and freedom in our country, and if it should be dominated by any church, democracy and freedom will topple down.

RESOLUTION NO. 6

Be it resolved by the Association, "The Spirit of 1896," in Convention assembled, That the practice of the government in asking only the priests of one church, excluding the ministers of other faiths, to offer invocations and prayers in official ceremonies and programs should be and is hereby condemned because it is discriminatory, and it violates the principle of separation of Church and State.

RESOLUTION NO. 7

Be it resolved by the Association, "The Spirit of 1896," in Convention assembled, That we hereby protest against the practice of the government of

spending public money to propagate any church, as was done in the printing of postage stamps with the picture of Virgin Mary. Such practice is discriminatory and is violative of the Constitution of the Philippines.

RESOLUTION NO. 8

Be it resolved by the Association, "The Spirit of 1896," in Convention assembled, That we hereby protest against the partiality of the Board of Review for Motion Pictures in banning the exhibition in motion picture theaters of the film "Martin Luther" while the said board allowed the exhibition of many Catholic films in said theaters.

RESOLUTION NO. 9

Be it resolved by the Association, "The Spirit of 1896," in Convention assembled, That the abolition of absolute divorce in 1950 is a clear violation of the principle of separation of Church and State because it favors the Roman Catholic Church and discriminates against the other faiths which allow absolute divorce.

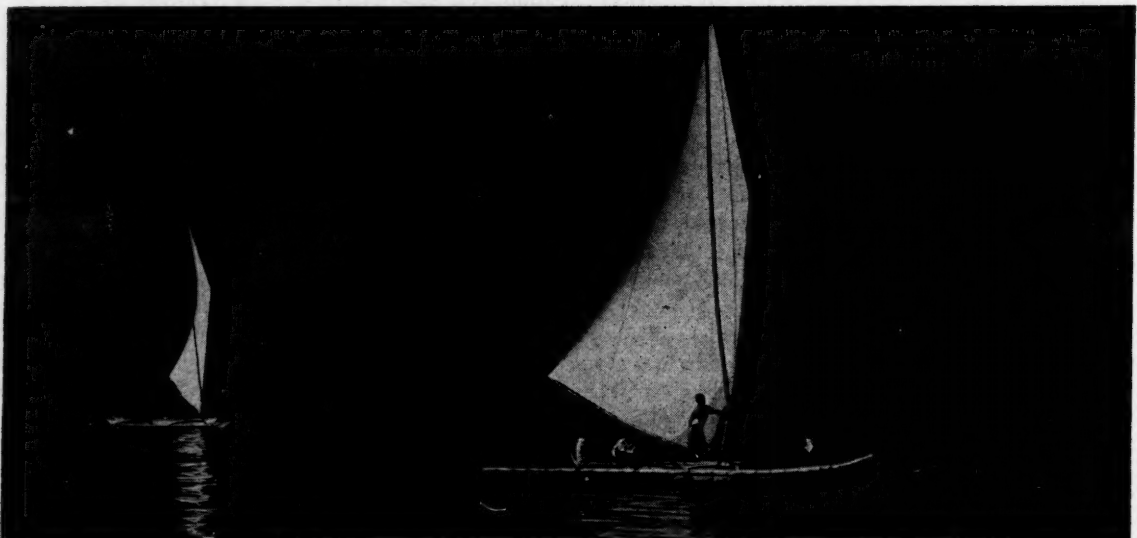
Therefore, in order that there may be real freedom of religion in our country, we hereby petition the Congress of the Philippines to amend the new Civil Code so that the members of churches which permit absolute divorce may be granted absolute divorce. This just arrangement is found in some countries, such as Austria, which is a Catholic country.

Approved and adopted this 16th day of September, 1957, in the City of Manila, Philippines.

GUILLERMO B. GUEVARA
President

ATTEST:

JUAN NABONG
Executive Secretary

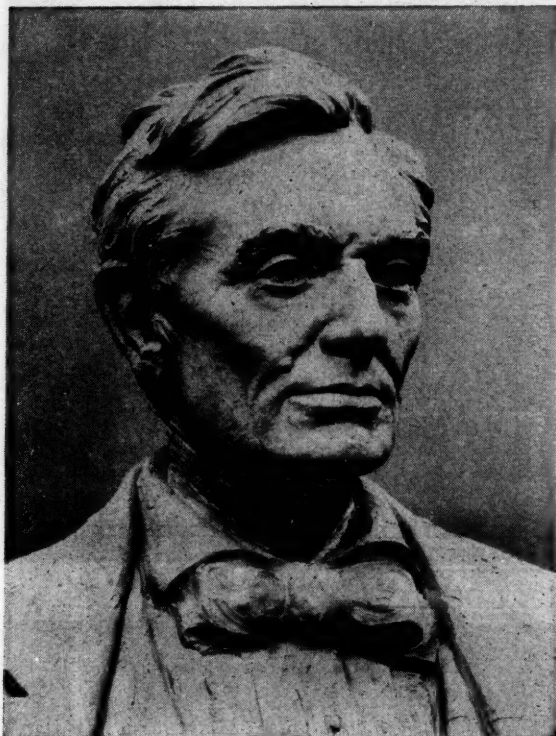


COURTESY OF THE EMBASSY OF THE PHILIPPINES

Outrigger-type sailboats in the beautiful harbor of Manila, P.I.

The Making of Lincoln

An Address by AVARD FAIRBANKS, Ph.D.



PHOTO, COURTESY OF THE AUTHOR

Detail of face of Lincoln.

[This title "The Making of Lincoln," has a double meaning. Abraham Lincoln, the common man, was made in the life experiences of his forebears and in the hardships of his years on the prairies of Illinois. He was made in his disappointments and frustrations, in the law books he studied, and in the cases for which he was counselor. He was made in the political forum and in the legislative halls. The work of making Lincoln was completed, as far as history and earthy vicissitudes could do it, in the presidential chair. There Lincoln was martyred.

He was "made" in another sense a little while ago, in a statue erected in Lincoln Square, Chicago, and with our eye upon the calendar at February 12, we are giving here the address of the sculptor, Dr. Avard Fairbanks, of the University of Utah, delivered at the unveiling on October 20, 1956, in which Dr. Fairbanks shows what it meant to him to sculptor Lincoln's figure and to direct its pouring into lasting bronze.—ED.]

A TALL MAN OF THE FRONTIER, alone in the world, came to Illinois around a century and a quarter ago. He settled in New Salem. While there he determined upon his career. He saw before him

the serving of his fellow men through the process of law and public service.

Near this same time my grandfather came from New England and settled in the largest city of the State of Illinois. It was called Nauvoo the Beautiful. He moved on to the West with the pioneers.

Two years ago, Sons of Utah Pioneers erected at New Salem a monument to Abraham Lincoln in the spirit of warmest of friendships from one State to another. The inscription on the base is in Lincoln's own words.

With malice toward none
With Charity for all
With firmness in the Right
As God gives us to see the right

Lincoln always has been a tradition in our home, and as an ideal to emulate he was upheld before the growing children. Particular emphasis was stressed that the struggles of a frontier make men strong, courageous, and capable. . . .

Thus through my pioneer background and heritage, I feel a deep kinship to the hopes and ideals of the man we honor today.

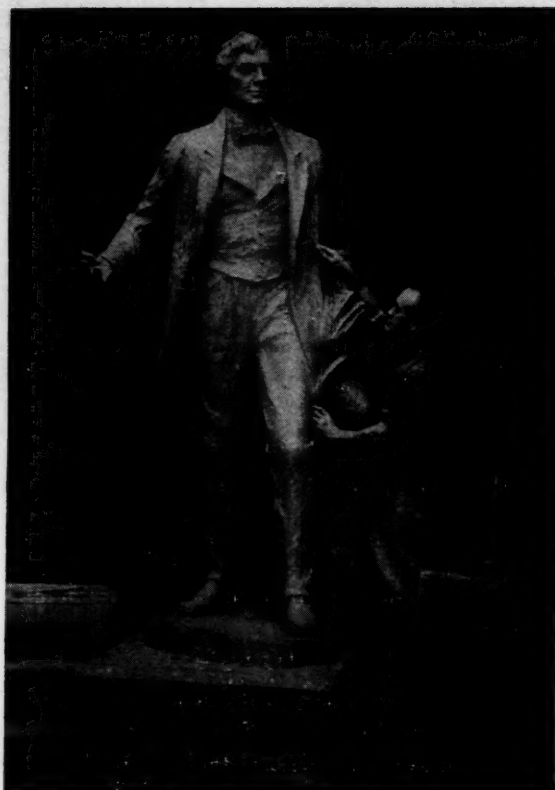
We are here gathered to dedicate, in as imperishable material as man can fashion, a bronze portrayal of our beloved Abraham Lincoln. I feel deeply appreciative of the opportunity to have had a part in its development and erection.

As a sculptor, when confronted with the responsibility of creating the expression of a great character, one faces many things not generally realized.

The work is not just the forming of the cut of the coat, the shaping of a hat, the buttons and wrinkles on the vest, nor the mole on the face, nor the part in the hair. To be sure, all external details one must be aware of . . . and make correct. The particular proportions of the person, and also mannerisms and costume of the time, have to be utilized. Photographs have to be studied, and all available material has to be employed to give the right form.

However, the inner-soul and spirit must be known and expressed. These above all else make a work of art live down through the ages. These same qualities which make for character in life give character to art, and we look upon a work of art as something that lives.

(Continued on page 22)

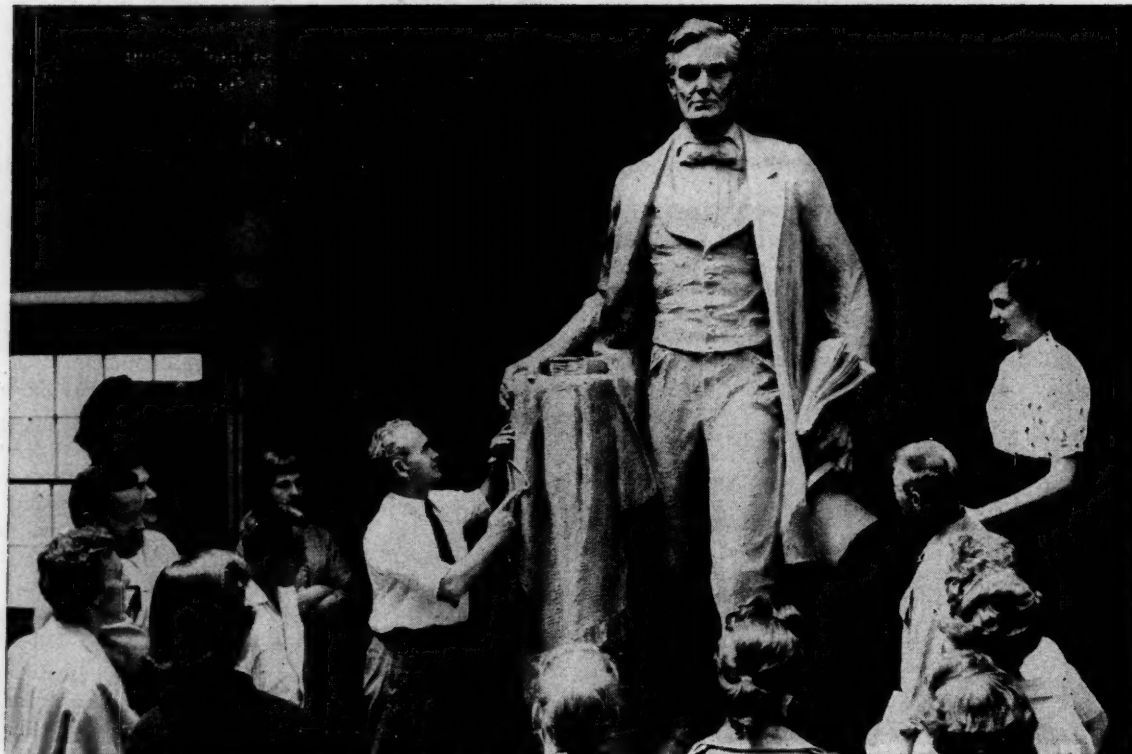


PHOTOS, COURTESY OF THE AUTHOR

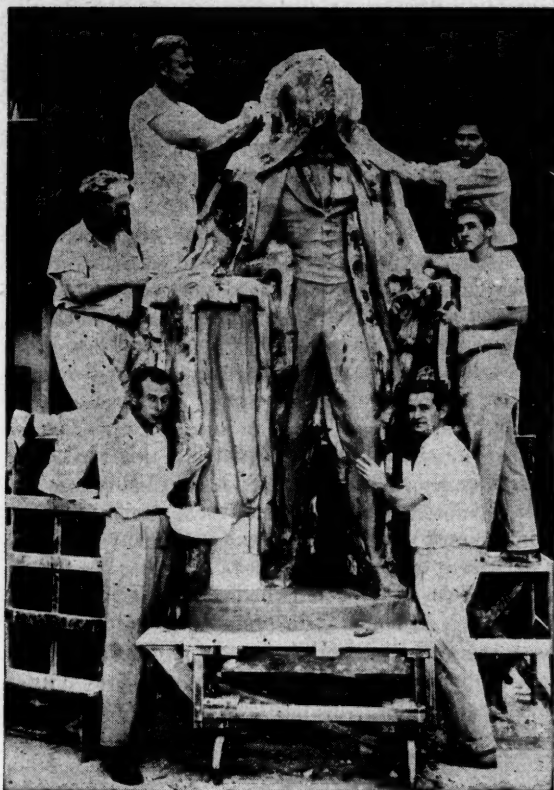
Sculptor working on heroic-size statue.



Sculptor finishing the statue.



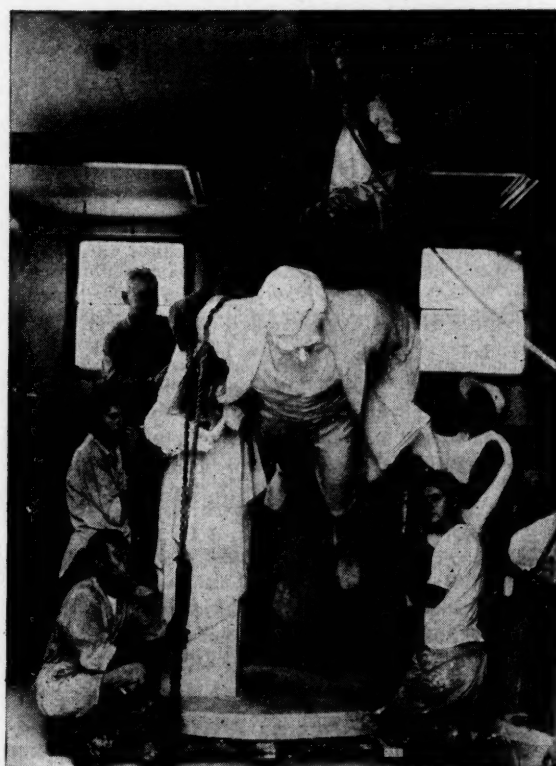
Students at the University of Utah admiring the Lincoln statue.



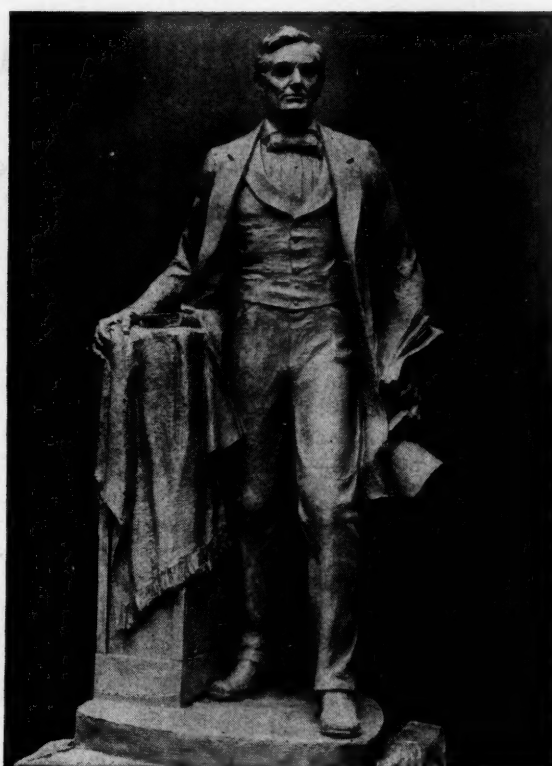
Preparation for the master mold.



Removing the master mold.



Fitting the sections of heroic-size statue.



The statue completed.

One must strive to be closely associated and acquainted with the individual one portrays the same as one comes to know his most intimate friends. . . .

It is the work of a creative sculptor to give soul and spirit to form so that it lives on. So here before you is Lincoln campaigning for the presidency of the United States. How appropriate even today.

Can you sense the anxiety of Lincoln, also [of] the nation in his time! Rugged in appearance, profound in his thinking, yet common to all, could he be given the position to serve those he loved and hoped to uplift to the realization of the greater opportunities through government?

Realizing such situations, with what convictions did he give utterance to the thought in the Chicago Speech?

Free society is not and
shall not be a failure.

A sculptor has to project himself into the period of his subject.

I made a sketch of Lincoln, which was approved by the commission. We all felt it was the one to use. It faced north and was centered in this plot. Suggestions were given that the statue should face south, as

Lincoln's attention at the time was on the South. This idea had merit. It was studied. To design this it became necessary to place the statue at the north apex of the triangular plot. This was worked over and developed.

Then instead of an extended arm, a podium was placed at his right, with his hand firmly gripping the draping cloth.

As the work developed it became more vigorous and strong. . . .

The doing of this statue has been a great experience, and I trust I have made it worthy of the man.

Your commission . . . visited my studio to give approvals. . . . I know that the members of the commission experienced something of outstanding significance.

Students and all who have watched this work progress have come close to Lincoln and to Illinois.

May I state that here is but an expression. It is in bronze, but it stands as a testament that in the hearts of free men everywhere Lincoln lives on. His greatness and love of freedom, whether reflected in words, in pictures, in stone or in bronze, are guides to the destinies of a better world.

Religious Question in 1960 Census

By A. H. RULKOETTER, Ph.D.

A PERTINENT PROBLEM is confronting the Bureau of the Census—shall the question “What is your religion” be included or not be included in the 1960 decennial census? If the question is included, how can an infringement of the First Amendment be avoided and at the same time the requirement of the United States Code for census enumeration, which makes mandatory a reply to every question, be met. The matter of one's religious profession or preference is private and not subject to legislation by Congress or probing by a Government agency of inquiry. The answer to the problem cannot be found by sampling majority opinion or scrutinizing the example of other countries. The solution lies only in the formula of the Constitution.

Although repeated similar proposals have been made, such question has not previously been asked in

any regular census. As early as 1790, the year of the first census, the suggestion was made that the clergy be asked to identify their profession. To this the author of the First Amendment, James Madison, who knew its scope and intent, was opposed. He said, “The General Government is proscribed from interfering, in any manner whatever, in matters respecting religion.”

From the time of that statement until now the Bureau has faithfully adhered to the principles of the Constitution, and it is disturbing and disappointing that the issue should at this time receive such ardent and prolonged interest. There has been no change in the Constitution and none in existing circumstances that would now warrant a change in policy. In the light of the Constitution, it was wrong then, and it is improper today. The religious conviction

tions and preferences of the soul are still a personal prerogative and an inalienable right.

A decennial census of religious bodies was conducted by the Bureau between 1906 and 1936, but the statistical figures were obtained from questionnaires sent to the different religious organizations. No approach was made to the individual. Because their Manual opposes any enumeration of its members, there has been opposition to the gathering of these group statistics by the Church of Christ, Scientists. Apparently because of this opposition, Congress in the 1940's made provision to exempt any religious body entertaining such tenets. In this enactment, Congress pays respect to the provisions of the First Amendment and recognizes the danger of its infringement. To grant this immunity to a collective body, but not grant the same to its members or to any individual, apart from a religious group, would be inconsistent. The exemption of religious groups opposed to the giving of statistical information has since been extended to members of such groups. Following is the action as found in *U.S. Code*, 1952, Title 13, No. 225 (d), "When the doctrine, teaching, or discipline of any religious denomination or church prohibits the disclosure of information relative to membership, a refusal, in such circumstances, to furnish such information shall not be an offense under this chapter." As proper as is this exemption, it fails to provide for the individual whose church has expressed no prohibition, or for the man who makes no religious profession, yet who chooses for personal reasons not to answer questions pertaining to his religion. Except for the above singular exemption, an answer is mandatory by anyone over eighteen years of age to all questions in an official census.

From the following the factor of compulsion may be clearly observed.

(a) Whoever, being over eighteen years of age, refuses or willfully neglects, when requested by the secretary, or by any other authorized officer or employee of the Department of Commerce or bureau or agency thereof acting under the instructions of the secretary or authorized officer, to answer, to the best of his knowledge, any of the questions on any schedule submitted to him in connection with any census or survey provided for by subchapters I, II, and IV of chapter 5 of this title, applying to himself or to the family to which he belongs or is related, or to the farm or farms of which he or his family is the occupant, shall be fined not more than \$100 or imprisoned not more than sixty days, or both.

(b) Whoever, when answering questions described in subsection (a) of this section, and under the conditions or circumstances described in such subsection, willfully gives an answer that is false, shall be fined not more than \$500 or imprisoned not more than one year, or both.—*United States Code*, Subchapter II, No. 221.

Consideration is being given to accepting "decline to state" as an answer to the question. Decline to state is a refusal and not an answer to any question. If the question were, "What is your name?" the reply

"decline to state" would certainly not be accepted as satisfying the question. This willingness to compromise on the part of the agency is in itself an evidence that the constitutional impropriety of the question is recognized. In the language of the above citation, it seems questionable that authorization for the acceptance of such answer could be given.

As a further attempt to circumvent the constitutional safeguards, the suggestion has been made that those who oppose the question be allowed to send their response by mail. The point in question is that the response is compulsory, and whether the reply is written or given orally has no significance. This would be but another attempt to circumvent the Constitution.

The proper solution of the problem is to respect the Constitution and eliminate the question.

Attention has been drawn to the fact that the Government already asks a question of religious connection when a patient is admitted to a veterans' hospital. This is not comparable to the asking of such question in the census. In the census enumeration a reply is mandatory subject to criminal prosecution. When being admitted to a hospital the reply is optional. The first is a willful probing into that which is of a personal and religious nature and is given a special category by the Constitution. The second is a protection of religious freedom in that it is an effort to provide the chosen religious services and attentions in the event of serious development or fatality. Some have said that to ask a question pertaining to one's personal religious affiliation or preference is no different from asking what make of refrigerator one prefers. It is obvious that this is but a deliberate attempt to confuse the issue or beg the question. The suggestion has also been made that the answer to the question be optional. While this might seem less objectionable than making the answer compulsory, the fact still remains that no provision has been made in the *U.S. Code* governing the census to allow an optional answer. If some replied and others did not, the accuracy of the statistical information obtained would be affected considerably. Then, too, the Government





D. W. CORSON, FROM A. DEVANEY

The result of recent samplings is not the proper basis upon which to arrive at a decision on this question of a religious census.

would still be making an inquiry in an area in which Congress is forbidden by the Constitution to legislate (*Quinn v. U.S.*, 349 U.S. 155).

A religious census is being taken in some countries, especially in those where a state church exists. In certain backward areas of Africa a few colonies follow the practice where they are interested in determining the progress of westernization among the indigenous people. There are certain countries that have never attempted to include a religious question in their annual census, and others again that have for good reasons discontinued the practice, such as Great Britain, France, Argentina, and Brazil. Whenever an attempt is made to include a religious question, there has been a persistent practice that adherents to minority groups are reticent to reveal their

affiliation and are likely to name a religious body that is popular in the area of their residence. In 1846 Belgium enumerated the population by faiths. However, in 1856 the religious classification was removed from the enumeration blank because a reply was mandatory but the penalty could not be imposed because of assured freedom under the constitution. If other countries were to be taken as a basis for arriving at our decision in the United States, the religious question would not be included in the census, especially if those countries which have a more democratic form of government were taken.

The result of recent samplings, which indicated that a large majority of people raised no objection to a religious question being asked, is not the proper basis upon which to arrive at a decision on this question. To argue this is to assume that questions of the religious conscience are to be decided by the majority and not by the individual. History's pages are blood-stained as a result of such thinking and practice. If religious issues are to be determined by the majority, what would prevent the majority, through compulsory power of the state, from forcing upon the minority the practice of religious functions, or if they be so inclined, to insist on a change of religious preference? It was to prevent the invasion of the conscience by the use of civil power by the majority that the First Amendment was adopted. Under the Constitution, it is political but not religious questions that are decided by plurality. The virtue and greatness of a government is determined, not by the number of religious laws it passes, but by the respect it manifests for and the protection that it extends to its religious minority. In the *Buffalo Evening News* of July 13, 1957, an editorial aptly summarizes this point:

It does not matter whether only 1% or one millionth of 1% resent such questions. The Bill of Rights wasn't written for the benefit of the "statistical average," but to protect the nonconforming minority. Questions on religious belief, no matter how they are worded, are a clear breach of the Bill of Rights mandate against "unreasonable searches and seizures," and against any federal actions infringing on religious freedom.

In addition to statistical accuracy or convenience, other bases for pressing the issue are the economic, social, and educational value. But these reasons, as well as those previously given, do not outweigh the guarantee of the Constitution to protect the individual in his personal religious conviction. Even the fact that the request at the present time stems from an ecclesiastical root does not give it superior merit. The churches should be foremost in supporting the constitutional rights of the individual rather than invading them.

There are more than 250 religious bodies in the United States. The Bureau of Census has intimated that it would be unable to handle this many classifications. The maximum apparently would be about 90.

The *Yearbook of American Churches* for 1957 shows 27 Baptist groups, 22 Methodist, 19 Lutheran, 10 Presbyterian, et cetera. Little statistical value would result if in these instances the replies were classified as Baptist, Methodist, Lutheran, and Presbyterian. There are in fact very few singular bodies that would derive definitely beneficial results from the findings. Under these circumstances, the Bureau would be rendering discriminatory service even though unintentional or unavoidable.

Once a way has been found to circumvent the religious guarantees of the Constitution, it is impossible to foresee the final results. In order to pass to future generations the heritage of our religious freedom, why not be safe and eliminate from the next decennial census any question that probes into the religious life of the individual? Some who recognize the danger involved are expressing their opposition to Robert W. Burgess, Director of the Bureau of the Census, Washington 25, D.C.

Quebec Court Upholds Religious Freedom

By **DARREN L. MICHAEL**

THE RIGHT TO A PUBLIC SCHOOL EDUCATION for religious minorities in otherwise predominantly Roman Catholic Quebec was further reinforced by a recent decision of the Quebec Court of Appeals. The court ruled six to one that the only elementary school in a remote Quebec town, in this case the Roman Catholic school in Lamorandiere, was obliged to provide educational facilities to two Jehovah's Witness children whose parents would not allow them to participate in the school's religious exercises.

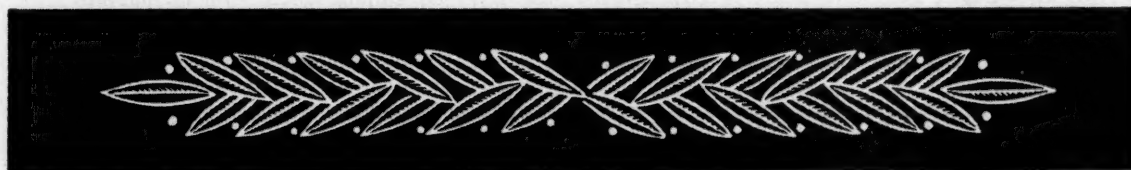
In 1955 the School Commission ordered the two children of Cajetan Chabot expelled for refusal to take part in the school's Roman Catholic religious exercises. The same year Chabot brought the case to the Superior Court sitting in nearby Amos, Quebec, and asked that his two boys, Marcel, aged eleven, and Jean Pierre, aged nine, be readmitted to school and not be required to attend or participate in any religious exercises. Judge Fernand Choquette dismissed the plea, ruling that religious instruction was part of the curriculum and must be taken by all students.

Chabot then appealed the decision to the Court of

Appeals, which heard the case earlier this year (1957). At first, the appeal was heard before three justices of the Appeals Court. Judge Antonin Galipeault, after hearing the evidence, ordered a new hearing before seven of the twelve justices of the court. The second hearing was presided over by Justice Garon Pratte. In ordering this precedent-smashing rehearing, Judge Galipeault explained that its importance validated a hearing before a majority of the judges of the Court of Appeals.

Messrs. Justices George R. Owen, G. Miller Hyde, and Jean Martineau said that amendments to present regulations should be effected. Mr. Justice Owen expressed the opinion that the local school regulations contain no dispensation for religious training of non-Catholics who have the right or are required to attend Roman Catholic controlled or administered schools. He ruled that "the Roman Catholic committee, in making these regulations, exceeded the powers given to that committee under the Act." Messrs. Justices Andre Taschereau and Paul C. Casey also supported the majority opinion.

The lone dissenter was Justice Edouard Rinfret, who opined that the law of public instruction and





regulations established by the Roman Catholic committee were constitutional, legal, and valid. In his view, the Lamorandiere school and its pupils had no other alternative but to obey these regulations. At this writing no information is available to this correspondent as to whether an appeal from this decision will be undertaken. In the light of the six-to-one decision, it seems rather unlikely that such an appeal will be initiated.

In the order of the Court requiring the Lamorandiere School Commission to reinstate the two Chabot children, who since their expulsion in 1955 have not been able to attend any school, Justice Garon Pratte said in his judgment, the parent's right to "give his children the religious education of his choice, as well as the liberty of conscience, is prior to positive law."

According to Quebec education law the religious majority in any school district sets up the school board. Other dissident groups may also organize school boards, but it is the majority board's responsibility to educate all school-age children in the district. In Lamorandiere there is only one school. In the view of the Jehovah's Witnesses, the board was obliged to provide educational facilities without imposing religious instruction upon non-Catholic students.

There is no uniform educational picture in Canada's ten provinces. However, all but Quebec and Newfoundland do have many features in common. In these two provinces there is virtually no public school system, if by the term "public school" one means nonreligious or nonsectarian. In Newfoundland the schools are owned and operated by the various religious bodies. In return for extending their

facilities to all school-age children in a given area the province makes certain grants to the schools. The provincial department of education also stipulates curriculum and teacher qualification standards.

In Quebec there is a public school system to this extent—that there is a stipulated provision for school tax monies to be turned over to the majority school board in any school district. It amounts to Roman Catholic schools in almost every school district being the so-called public school of that area. In some sections, like Montreal, there is the possibility that the majority of people in a school district might be Protestant, and in this case the public school does possess predominantly secular qualities.

Elsewhere in Canada, variations of the above model obtain or there are provinces with a separate school act that permits Roman Catholic elementary schools, and provides that ratepayers in such a school district might elect to assign their school tax to the support of a Roman Catholic school in their district rather than the public school.

There are instances in other parts of Canada where Roman Catholic pupils attending "separate schools" have also been discriminated against in relation to the superior facilities sometimes available to their "public school" contemporaries. In fact, there is something to Quebec's claim that religious minorities are often treated with more liberality in Quebec than is the case with French Roman Catholics who happen to be in the minority in other sections of English-speaking Canada.

Education has been a thorny, prickly, and contentious issue from the earliest colonial times in Canada. The magnanimous gesture of England in according freedom of religion to French Canada, a defeated and subject people after Wolfe's triumph, has brought in its wake many unexpected complications. The very concessions to French Canada, which have undoubtedly played a vital role in keeping Canada within the Commonwealth orbit, have also proved to be the source of many frictions and misunderstandings.

It would seem that much of this potential difficulty could be eliminated if there were a uniform system of public education supported by public tax monies without any religious or sectarian flavor. Education could still be under provincial jurisdiction, as it was intended at the time of confederation, and enshrined in the basic constitutional instrument of Canada, the British North America Act. For those with specific religious convictions parochial schools privately financed could be operated in conformity to the provincial department of education curriculum requirements, but beyond that, there would be no government participation in the conduct of the private school.

In practical terms, it would mean little change for Quebec because its population is well in excess of

being 99 per cent Catholic in terms of religious persuasion. But the schools, while no doubt staffed by Roman Catholic personnel, would be conducted on a purely secular basis. The same would be the case in all the other provinces. Religious training properly belongs in the home, the church, and the church-supported school, but not in the public tax-supported school system.

It is highly unlikely that such a utopian state of affairs will ever develop in Canadian educational matters. And so it is inevitable that we shall read of instances of outright discrimination and religious coercion such as the Lamorandiere case and other similar instances in French-speaking Canada. The Quebec Court of Appeals decision is a most significant and far-reaching one. But, in the eyes of this

observer, it is at best only a stop-gap measure that might ameliorate some of the more dangerous possibilities inherent in any system of education supported by public tax funds that is essentially parochial in content, form, and nature.

What makes it exceedingly difficult to discuss and study this problem is the emotional reaction that it evokes on the part of almost all who hold any views on it. Before the basic issues can be bared for thorough study the air is full of charges and counter-charges of bigotry, intolerance, persecution, and religious discrimination. Until this matter can be removed from the emotionally charged atmosphere to which it now belongs almost exclusively, no sound, constructive, or equitable solution will be forthcoming.

AS THE EDITORS SEE IT

A State-Church Overture

[Because of Mr. Hackett's long experience with Government practices he recognizes potential church-state overtures that the average citizen would overlook. A recent observation of his we have placed in an editorial frame.—Ed.]

THE UNITED STATES DEPARTMENT OF AGRICULTURE is asking the rural churches of the nation to form a more direct link with the Government "in the improvement of the welfare of rural people." The plan is intended to help rural and church leaders stay abreast of the changing scene of rural life by keeping them current on the department's programs, informational materials, and personnel.

Memorandum No. 1419 of the Department of Agriculture unfolds an innocent-appearing plan, but it smacks of a miniature alliance of church and state, although there is no indication its sponsors have in mind anything of the kind. The Memorandum says, "The person assigned this responsibility is to function on a department-wide basis working closely with the agencies of the department in their present efforts and in the development of additional opportunities. The assignment involves the following purposes:

- "1. Provide a focal point through which church organization may better work with the Department and its respective agencies.
- "2. Building working relationships with town-country church leaders and organizations and develop greater understanding on their part about USDA programs.
- "3. Facilitate training and educational assistance in given fields of subject matter or programs that relate to the church as a community institution and concern of rural people."

The paper prefaces its announcement by saying

that for many years agencies of the Department of Agriculture have been working with rural and town-country departments of various church organizations and rural life organizations, and that "leaders in national church program responsibilities are requesting increased services from agricultural sources." The Department apparently has in mind using the churches to help develop the Government farm program.

The Department of Agriculture is well known for its distribution of helpful publications of interest to home owners and city residents as well as to farmers. But does it require a liaison set-up, or "focal point," with the churches to get this information before the public? Is it necessary to establish, at taxpayers' expense, a special branch in the Department which will utilize the clergy in developing and promoting agricultural programs?

For some time there has been agitation for a Department of Religion with cabinet rank. Bills seeking to accomplish this aim have been introduced in Congress. The USDA seems to be working toward just that within its own realm. If it establishes a "focal point" with the churches for the promotion of its activities in rural communities, we may find the Department of Labor coming forth with a "focal point" in churches in matters of interest to union members and other laboring people in the congregation. Then we may find the Department of Commerce with a "focal point" for churches in matters of interest to the businessmen of the parish or conference.

It is inconceivable that the Federal Government must use the churches as a crutch in promoting the welfare of the residents of any community—urban or rural. In this day of efficient press, radio, and televi-

sion, it hardly seems that any department of Government would have to use the churches as a tool in promoting its programs.

Let the owner of the tent beware at the first sign of the camel sniffing at the canvas.

WILLIAM H. HACKETT
Washington, D.C.

The International Labor Organizations and International Rest Days

THE CONCERN of organized labor to secure weekly rest days for the laboring class has led them into negotiation and legislation that require some watching on the part of those who, like the editors of *LIBERTY: A Magazine of Religious Freedom*, are determined to preserve freedom of men to labor six days.

Hence we call attention here to an action taken at the Fortieth International Labor Conference held by the International Labor Organization at the International Labor Office, Geneva, Switzerland. A resolution was proposed calling for "an uninterrupted weekly rest period comprising not less than 24 hours in the course of each period of seven days."

The proposal in effect invited organized labor to support an international Sunday law. In so doing it aroused the concern of a freedom-loving Filipino, a government member of the International Labor Organization delegation from the Republic of the Philippines, Ruben Santos, director of the Philippine Bureau of Labor. As soon as the proposal emerged, Mr. Santos moved that the rights of minorities, with days of rest different from those of majorities in a population, be fully respected. He moved an amendment to provide that "the traditions and customs of minorities shall be respected." He urged in presenting his amending motion that—

Due account must be taken of the position of religious minorities who did not observe the same weekly day of rest as laid down by the provisions or customs of the country or district, and the principle of freedom of religion should be reconciled with the spirit of the Convention.

Mr. Santos' amendment aroused some discussion, but was finally adopted, with an amendment proposed by Lopes Sussekund, government member from the United States of Brazil, adding the words "as far as possible" to Mr. Santos' proposal. The result was the following convention, adopted on June 25, as No. 27 of the 1957 series, Article Six:

1. All persons to whom this Convention applies shall, except as otherwise provided by the following Articles, be entitled to an uninterrupted weekly rest period comprising not less than 24 hours in the course of each period of seven days.

2. The weekly rest period shall, wherever possible, be granted simultaneously to all the persons concerned in each establishment.

3. The weekly rest period shall, wherever possible, coincide with the day of the week established as a day of rest by the traditions or customs of the country or districts.

4. The traditions and customs of religious minorities shall, as far as possible, be respected.

The editors of *LIBERTY* wish to thank Mr. Santos for having the convention amended so as to give recognition to the rights of minorities. The amendment has the force of recommending that the rights of Roman Catholic minorities in, for instance, Moslem countries, the rights of Jewish minorities in many countries, the rights of Moslems and Christians in Israel, and the rights of Christians observing a day of rest and worship other than Sunday or Friday over the world, shall be respected.

But we wish to sound a note of warning:

1. The resolution as adopted grants only tolerance to the minority bodies concerned. Tolerance is permissive. It grants a favor, which can be withdrawn by the grantors. Religious liberty prevails where all rights of worship and religions consistently are free, without permission or license, and fully recognized.

2. By recommending that labor be free on "traditional rest days," instead of recommending that the laboring men everywhere shall be free from labor on one day in seven, the International Labor Organization is calling for religious legislation.

Is organized labor prepared to face the responsibility of calling for compulsory religion? If this is labor's trend, we urge that labor leaders pause long enough to study religious history. The record of compulsory religion is a bloody one, and the cause of numerous wars, in which the laboring man has always been the worst sufferer.

F. H. Y.

A Brief Submitted to the Honourable W. J. Dunlop Minister of Education for the Province of Ontario

THE PROBLEM. There is a growing concern at the current trend to introduce religious instruction in the schools of the Province of Ontario. For some years now religious instruction has been presented on the elementary level in the public schools of Ontario.

Of more recent date, this has been extended to the high schools as a result of certain departmental regulations which were amended last year. Conversations with members of local municipal boards, high school teachers, and officers of the Ontario Department of Education reveal that during the current school year several high schools have taken advantage of these relaxed regulations to institute some form of religious training for high school students.

It appears that members of the clergy are being asked to conduct these classes both in the high

schools and in many cases in the public schools as well. We are also mindful of the fact that the regulations permit exemptions being granted students upon the request of their parents at the discretion of the principal.

On the basis of our observation, these classes in religious instruction in the high schools are divided along two rather broad sectarian lines—Protestant and Roman Catholic—with no other recognition of the various religious viewpoints within Christendom or of other religious communions apart from the Christian faith.

THE RESULTS. Religious instruction is now a part of the regular school programme. It is in many cases being taught by clergymen of different religious denominations. Parents who object to this in principle for whatever reason have only one recourse, and that is to ask the principal that their children be exempted. This results inevitably in harm and unnecessary discrimination against those children who voluntarily absent themselves from these religious exercises.

In view of the very broad distinctions along the two major divisions of Christendom, parents of Orthodox persuasion, minority Christian churches, Jewish or other religious views, are justified in feeling that should their children attend these classes the training offered would not comport with their distinctive or unique religious culture or tradition. Unfortunately, there are already reports of instances where students have suffered at the hands of overly zealous religious instructors or as a result of the animosities and prejudices that these courses have, perhaps inadvertently, engendered among the pupils in the schools where these facilities have been introduced.

In our view the most grave implication is that now the state is embroiled in the contentious arena of religious education. The public schools and high schools of the Province are supported by the taxes of people (Roman Catholic Separate Schools excepted) with a wide variety of religious convictions. Yet, in effect, a portion of their tax money is supporting the teaching of a particular "brand" of Christianity, which may or may not coincide with their own religious concepts.

THE IMPLICATIONS. We recognize that the motivation supporting religious instruction in the tax-supported schools of the Province is in most cases well-meaning and laudatory. However, we cannot stress too strongly the repugnance of many loyal and devoted subjects to Her Majesty at the thought of Her Government for the Province of Ontario engaging in partisan religious teaching. It cannot be denied that this provision now brings the state into the teaching of religion, which should belong exclusively to the churches and the parents.

It is conceivable and quite probable that in all too

many instances the schools of Ontario will now become unwitting instruments of sectarian controversy. We believe most emphatically in the right of the individual to his own particular religious or political convictions. We do not feel that the civil power of the state should be exercised under any circumstances to limit or curtail that right.

While we also believe in the rights of the majority, we do not feel that this justifies the imposition of their views upon the minority in a matter of principle as grave as this. The strength of the public school concept in North America has been its absolute independence from any single group in the community and the universality of its facilities for the community as a whole. This cardinal doctrine in our free society, and one which has played a key role in enabling Canada to develop, with all its diversity, as a strong, free country, is now threatened.

Where once the public school system was an important instrument in blending the various cultures and traditions of our people into the fabric of national unity, it now may well become a tragically divisive factor. The next step—compulsory attendance at religious instruction for all—is ominously closer to reality. And with that, the public school system will be well on its way as a means to impose religious conformity upon the community.

POSSIBLE SOLUTIONS. It is our considered opinion, Honourable Sir, that the primary responsibility for the religious training of children rests on the parents and then the Church. To place the responsibility otherwise tends to subvert the home and weaken the Church.

We are not unmindful of the many considerations in connection with this problem with which you must reckon, Sir. But with respect, we would suggest that the safest course, if the preservation and enlargement of freedom is a worth-while objective to which all of us should commit ourselves, would be the repeal of the regulations of the Department of Education allowing religious instruction in the public and high schools of Ontario.

If that proves difficult and embarrassing to implement, we would earnestly suggest that religious instruction be kept out of the regular, daily school programme. That where communities wish to have religion taught in the school, it be done outside of school hours at the request of those parents who desire their children to avail themselves of this facility. It would appear to us that in this setting, it would be better if the instruction could be given by the teacher on the basis of a carefully prepared course of study approved or prepared by the Department of Education which would bear in mind the diversity of religious traditions in Canada.

Yet a third alternative would be for the school to provide classroom space after school hours for clergymen in the community who wish to conduct classes

in religious instruction. In this case, facilities and attendance would be absolutely voluntary with no compulsion upon the school to provide the space or upon pupils to attend.

CONCLUSION. We deeply appreciate this opportunity of acquainting you with the considered opinions of a large body of loyal and devoted citizens of this great Province. Seventh-day Adventists along with many others love their Queen, their country, and the historic tradition of freedom of conscience which is so typical of the Commonwealth of which Canada is a principal member.

Recognizing the heavy responsibilities which devolve upon you, Sir, we wish to assure you of our sincere prayers to Almighty God to sustain you and your colleagues in Government and the members of the Legislative Assembly in the conduct of the affairs of this beloved Province of Ontario. With all our hearts we wish to serve our God and our Country as good citizens and true patriots.

Haitian Treaty Withdrawn

IT WAS GRATIFYING to learn on July 23 that President Eisenhower had withdrawn from Senate consideration a proposed treaty of friendship, commerce, and navigation between the United States of America and the Republic of Haiti. The proposed treaty was of the type that for more than a hundred years has included a phrase guaranteeing religious liberty to American citizens in the country of the cosigners. However, readers of the *LIBERTY: A Magazine of Religious Freedom* will remember that in the new treaty drawn up with Haiti, it was discovered that this religious liberty clause had been omitted. There have been very vigorous protests against the promulgation of this treaty, and those who have a deep regard for religious freedom, as well as for the protection of the rights of American citizens, particularly in Catholic countries, were deeply concerned.

When President Eisenhower asked that the treaty be withdrawn, he did not state the reasons, saying only that, "It is desired to give further consideration to the treaty."

We do not doubt that the protest that went into our State Department, as well as to Senators, contributed to the withdrawal.

F. H. Y.

Lost—A Champion of Religious Freedom

THE EDITORS of *LIBERTY: A Magazine of Religious Freedom* have received belated word of the passing of Rev. F. C. White, general secretary of the Liberation Society, with headquarters in London, England. Mr. White was born September 12, 1884, at Battersea, London, and was reared in the Congregational communion. Upon conviction he became a

Baptist and prepared for the Baptist ministry at Regents Park College and University College, London, receiving the degree of Bachelor of Divinity. He served in the Baptist ministry for forty-five years.

Mr. White was always deeply concerned with matters of religious liberty, and worked earnestly in the direction of securing disestablishment for the Church of England over a long period. He was for many years a member of the Free Church Council, and was for the last twelve years of his life secretary of the Liberation Society. He served as secretary at the annual meeting of the society on May 1, 1957, and the next morning, after having drafted the minutes of the meeting, he passed away suddenly.

The Religious Liberty Association and the editors of *LIBERTY* regret the passing of a religious liberty champion.

F. H. Y.

The "No Establishment" Provision

IN A RECENT Atlantic City meeting of Protestant social welfare workers it was agreed that for church-related welfare agencies to accept government per diem payments was not a violation of church-state separation "so long as the standards apply equitably to all agencies." That the welfare services of church-related agencies are similar in some respects to those of denominationally operated hospitals one could imagine, but it is difficult to defend the giving of such funds to a church-related welfare agency on the basis of impartiality. This seems to be confused reasoning.

Since the *Everson* case in 1947, there appears to be a persistent effort to read into the "establishment" provision of the First Amendment an interpretation that is opposite to the pronouncement of the Supreme Court. The following well-known words, given by Justice Black in rendering the opinion in the *Everson* case, make no provision for support of any kind, partial or impartial, single or multiple:

No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and *vice versa*. In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between church and state."

The effort to persuade the Supreme Court to change its thinking in the *McCullum* case on this point was futile. The fact that the Court refused to change its statement strengthens their legal interpretation of "establishment."

The Court's phrases, "separation of church and state" and "wall of separation of church and state," have been referred to as only a "metaphor," or a "figure of speech," a "spurious slogan," or a "shibboleth." This interpretation invariably comes from

sectarian circles that are seeking tax support of religious institutions. The statement of Justice Frankfurter in his concurring opinion in the *Everson* case, "Separation means separation, not something else," is legally as clearly cut in its distinction as were the words of Jesus, "Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's" (Matt. 22:21).

At the very time the First Amendment was being drawn, sectarian interests attempted to provide for a multiple establishment, but these were successfully opposed by Madison. Recent unsuccessful attempts have been made to misinterpret Madison's efforts, making it appear that he favored multiple establishment. If this type of establishment had been effected,

it would have placed religious domination in the hands of the majority at the expense of the minority. Even if the majority were of the Christian faith, they would have no right to coerce the convictions of the individual conscience that chooses no religion.

It is to be hoped that our churchmen will not be confused by misleading voices and that they will uphold the complete freedom of religion that has been embodied in our Constitution and that the courts are endeavoring to safeguard. Equal rights of conscience are not to be sacrificed for the monetary benefits derived from multiple establishment. The forces that call for multiple establishment are usually those that advocate that the state and church must not have any fences between them.

A. H. R.

IT SO HAPPENED —

UNITED STATES

Bus Transportation

Because the Fairbanks Independent School District objects to a new Alaska law providing free bus transportation for parochial school pupils, they have deferred signing the school bus contract. The district maintains it has no authority to provide bus rides for pupils attending schools outside of its boundaries, or to any pupil not attending a public school.

The Rodeo, California, school board recently ordered that transportation to parochial school pupils in public school buses be discontinued. This reverses a decision made two months ago by the same board, and is attributed to the election of a non-Roman Catholic school board member.

Released Time

The school board of Whitesboro, New York, has rejected a request submitted by two residents that the practice of using public school buildings for released-time religious instruction be discontinued. Both Roman Catholic and Protestant churches have used the school buildings for this purpose for the past ten years. The pastor of the Roman Catholic Church is quoted in the daily press as saying that released-time religious classes for Roman Catholics will continue whatever the ruling.

In a three-two vote the Biloxi, Mississippi, school board has refused the request of a Roman Catholic priest that public school children be released 30 minutes twice a week to attend religious instruction classes. The local Ministerial Association supported the school board in its position, maintaining that if the request were granted, it would "indirectly involve the schools in denominational instruction and would

disregard and help destroy the unique American concept of the separation of church and state."

In a survey recently made in Minneapolis, 80 per cent of the adults supported the released-time religious instruction program for public school children. However, they preferred that the classes not be held in the school building. More than 50 per cent of the adults are opposed to the idea of teaching "facts about religion" in the schools.

Religion in Education

The chancellor of the University of Denver, in appearing before a convention of governing boards of State universities in Colorado, said that the State institution that puts religion on the curriculum is inviting politicians to dictate the kind of religion. The speaker maintained that public education must either exclude religion entirely or open the door all the way. If religion is included in the instructional program, then "we must suffer the choice of the kind of religion by those who may, at the moment, be in power of the governing body."

The attorney general for the State of Washington has ruled against a Religious Emphasis Week at the University of that State. In his opinion he said that a Religious Emphasis Week in a tax-supported institution in that State "is in conflict with constitutional restrictions on the teaching of creeds, beliefs or doctrines in State-supported institutions and the use of public funds for religious instruction."

Dr. Glenn L. Archer of Americans United, in a statement to the press, defended the right of 22 Roman Catholic graduate seniors to absent themselves from a baccalaureate service held in a Protestant church. Although the baccalaureate service has an honored place among our American traditions, Dr. Archer maintained that because of the nature of the



case, attendance at such a function should not be made mandatory.

The legality of the practice of saying grace before meals in the public schools of New Jersey has been under discussion for some months. When the question was brought to the attorney general, he ruled the practice "a religious exercise," which was forbidden by State law. The question became critical in Edgewater Park schools, where 603 citizens signed a petition requesting that the custom of saying grace before meals be resumed. Other citizens protested, saying it was illegal. A bill has been introduced in the New Jersey State Senate that would amend a State law that now forbids any religious exercise in the public schools except the Lord's Prayer and the reading of five verses of the Old Testament without comment.

Taxation

A taxpayer's suit was filed in the New York State Supreme Court to prevent New York City from accepting bids submitted by the Fordham University and St. Matthew's Roman Catholic Church in their effort to acquire a portion of the Lincoln Square project under the National Housing Law. The complaint charges that these two institutions are submitting bids of \$7 a square foot for property that cost more than \$16 a square foot. The resale would cost the city a direct subsidy of more than \$3,500,000, and would violate constitutional provisions barring public subsidies to sectarian institutions.

The United States Court of Appeals ruled unanimously that the Washington Ethical Society is entitled to tax exemption as a religious organization. The decision reversed a negative one given by the District of Columbia Tax Court. Speaking for the appellate court, the judge said that while the Ethical Society is not a church as the term is generally understood, it meets the requirements of the statute as "a religious corporation or society."

The California Court of Appeals has ruled that property tax exemption under the State Constitution

may be granted to nondeistic groups. The judge held that to draw a "dividing line between theistic and nontheistic beliefs would seem to be somewhat arbitrary."

Executive director of the Northern California-Nevada Council of Churches charges that the use of truant officers paid by the State at the taxpayers' expense when used to check parochial school truancy cases constitutes a violation of separation of church and state. The superintendent for Catholic schools for the San Francisco area contends that the practice is legal since it is the duty of the State to see that the child attends school.

The Woonsocket, Rhode Island, District Ministerial Association has charged that the free use of public school buildings by the local Catholic church constitutes a violation of the church-state relationship. Adequate rental would remove the objection. The State attorney general has been asked to render an opinion on the question.

With emphasis on the secularistic and materialistic aspects of education, Msgr. James M. Powers, speaking at the centennial celebration of St. Bonaventure University, said that "a culture which is naturalistic is utterly incapable of providing for the spiritual interests of either child or man. Clearly, therefore, it is not enough for a school to confer credits and degrees and to prepare youth for future work. It must at the same time inculcate in him a sense of responsibility toward God and man."

In a letter to Robert W. Burgess, director of the Census Bureau, the American Civil Liberties Union has objected to the inclusion of questions on religious affiliation in the 1960 United States Census. The Union said the compiling of information about religious beliefs would aid "some or all religious bodies and thus breach the wall of separation between Church and State." Mr. Burgess told the Union that the question on religion would not be included to aid religious bodies but to provide general information of use to nonreligious groups, to which the Union replied, "The heart of the matter is not the usefulness of replies about individual belief or church membership, but the right of the government even to inquire for however good a purpose."

The Supreme Court of the United States is being asked to determine whether a Maryland law that requires applicants for adoption to be of the same religious faith as the child's natural mother is an abridgment of religious freedom.

A commemorative stamp honoring the 300th anniversary of the Flushing Remonstrance, believed to be the first declaration of religious liberty by ordinary citizens in American history, has been announced



here by Postmaster General Arthur E. Summerfield. Earlier this year the Post Office Department authorized a cancellation stamp to be used at Flushing bearing the inscription "Flushing Remonstrance, 1657-1957; Origin Religious Liberty in America."

At a red mass service held for lawyers in the area of Cedar Rapids, Iowa, the speaker, Msgr. Sheehy, said that any attempt by secularists to "extend the wall of separation which exists between Church and State in the field of education" is equivalent to giving courage to "anti-God forces."

The Texas Supreme Court in upholding the decision of a lower court awarding church property to a minority group that remained loyal to the denomination said, "Those members who renounced their allegiance to the church lose any rights in the property involved, and the property and the use thereof belong to members which remain loyal to the church."

ARGENTINA

The Roman Catholic bishops of Buenos Aires Province issued a joint pastoral letter just before the Constitutional Assembly, urging the immediate introduction of Catholic religious instruction in government schools in that area. The letter reflects impatience over the government's delay in restoring religious instruction in the schools throughout the country, which they claim had been promised after the downfall of the Perón regime. The National Board of the Methodist Church in Argentina also issued a statement about the same time in which it said that "we wish to draw special attention to religious freedom, because it affects other freedoms. We believe that full liberty cannot exist while the state upholds one church and is linked economically and institutionally to it."

CANADA

At the first sitting of the Manitoba Royal Commission on Education, a brief was submitted proposing that certain Catholic schools be set apart as public institutions, and be supported through real estate taxes paid by the Catholics. Archbishop Philip M. Pocock of Winnipeg, chief spokesman for a group, said that the schools would be open to inspection by provincial authorities but run by Catholics, with all-Catholic teaching staffs. The Winnipeg prelate said that teachers are obliged to restrict their views to such an extent that there is no Catholic religious atmosphere in public schools, and that there is no real religious teaching in any part of the day. Under present educational provisions in the province, parochial schools may be established but without tax support.

FIRST QUARTER



The Quebec Provincial Council of the Catholic Women's League of Canada, at its recent annual meeting, passed a resolution asking the Federal government to establish diplomatic relations between Canada and the Vatican. It also requested the government to issue a stamp bearing a religious symbol.

The Sunday Telegram, Ontario's first Sunday newspaper, ceased publication of its Sunday issue after a duration of only four months. The publisher said the issue was being discontinued because of a disappointing circulation. The newspaper is also facing prosecution in the courts under the Lord's Day Act of Canada, which prohibits unnecessary Sunday work. Kelso Roberts, the attorney general, said he had no comment on the possible effect the *Telegram's* decision to stop its Sunday edition might have on pending litigation, but he added "these things have a way of working themselves out."

COLOMBIA

Newsmen have been told by the Ministry of Interior that the recent circular sent to provincial authorities was not an order to restore freedom of assembly and worship to Protestant churches that had been forced to close their doors, but merely requested reports that would enable the government to make a decision. It was made clear that the churches that are permitted to reopen will be limited to strictly private worship and forbidden to engage in any proselytizing.

The Secretariat for the Defense of the Faith, an agency of the Colombian Catholic bishops, have pledged that the "Catholic authorities in Colombia shall never order, encourage or approve any act of violence against our non-Catholic brethren." The information was released by the National Catholic Welfare Conference in Washington, D.C., and includes the assurance that the church recognizes "the right of non-Catholic Christians freely to practice their own religion."



The Duke of Edinburgh has been severely criticized by the Lord's Day Observance Society because he has played cricket and polo on Sundays. In fact, the accusation was directed to the entire royal family, including the Queen. Recently the Duke played in a charity Sunday cricket match with the Duke of Norfolk, the leading Catholic layman of Britain. The charge is that a wrong influence is being exerted thereby upon Prince Charles, the future heir to the throne.

England's leading Roman Catholic peer, the Duke of Norfolk, has expressed the hope that Protestants in Colombia would receive "no less freedom and toleration than are enjoyed by Catholics in Great Britain and other democratic countries of the Free World." In a letter to the Colombian ambassador to Great Britain, the Duke expressed concern at reports of discrimination against Protestants in the South American country.

GREECE

CORRECTION: In a news item that appeared in this journal, in our third quarter's issue of 1957, under the heading of Greece, British information was quoted as saying that Greece had forbidden certain religious rights unless the respective church members were willing to agitate for a Greece-Cyprian union. In this accusation the British Embassy has acknowledged an error in the designation of the country. Apologies to the Grecian Government.

ITALY

The Italian Government has given assurance to the National Association of Evangelicals that the religious freedom guaranteed in the Italian Constitution will be enforced. The guarantee provides "the right to freely profess one's religious faith, to propagate it and to exercise the worship thereof in private and in public, with the only restriction that there are not involved any rituals contrary to morals."

PHILIPPINES

A prominent Roman Catholic layman was recently appointed the first full-time Filipino ambassador to the Vatican. Considerable local opposition has been expressed to the appointment. Some see in this move Garcia's bid for Catholic support in the next presidential election. In defending the appointment, Narciso Pimentel, Jr., columnist and radio commentator, said that Catholics may "actively participate in politics without endangering the separation of church and state."



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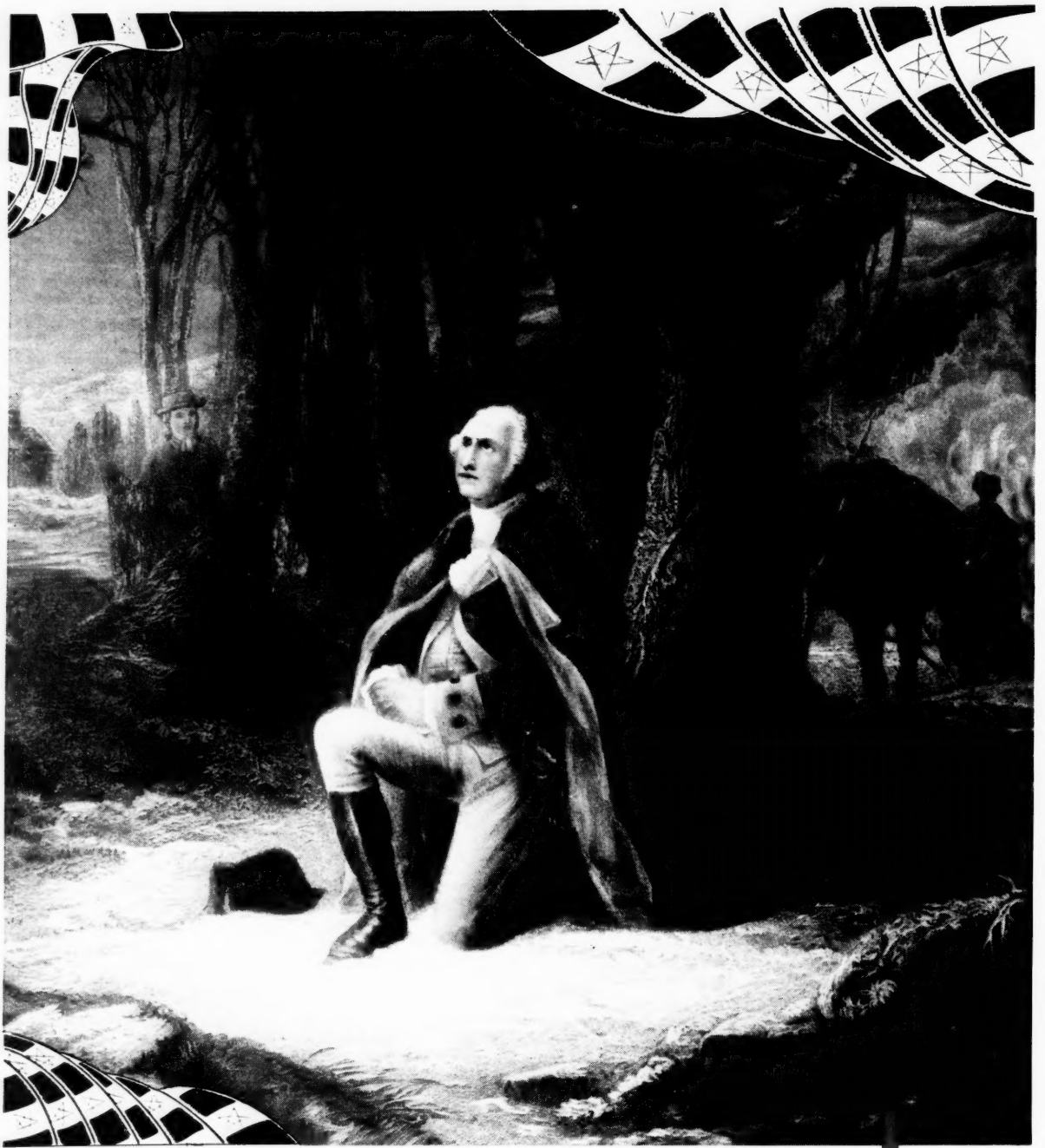
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"If I could have entertained the slightest apprehension that the Constitution framed by the convention where I had the honor to preside might possibly endanger the religious rights of any ecclesiastical society, certainly I would never have placed my signature to it; and if I could now conceive that the general government might ever be so administered as to render the liberty of conscience insecure, I beg you will be persuaded that no one would be more zealous than myself to establish effectual barriers against the horrors of spiritual tyranny and every species of religious persecution."—George Washington.

